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TO THE

REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-NINTH CONGRESS,

1885-'86.

IN TWELVE VOLUMES.

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[illegible], Sally B	2544	8
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[illegible], William	1421	5
[illegible], James B	3079	10
[illegible], Sarah E	3261	11
[illegible], Elizabeth	2454	8
[illegible], William, jr	608	2
[illegible], Henry	1531	5
[illegible], Lizzie	3258	11
[illegible], William H. H	2129	7
[illegible], James	2133	7
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Chandler, Mrs. Ellen M	355	1
Chapman, Alice	2261	7
Chase, Charles A	1197	4
	2672	9
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Cheate, Hiram K	1978	7
Colby, Mary G	288	1
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Davis, John P	16	1
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Dodge, Richard	357	1
Drew, Lucy Ann	1384	5
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Glidden, Sarah J	354	1
Gould, Lucinda	352	1
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Johnson, Catharine	1482	5
Kennedy, Patrick W	1019	3
Kessinger, Ann	2047	7
King, James H	3449	11
Kiser, Mary	1483	5
Lawton, Orrin	2016	7
Leatherman, Grant E. (Part 2)	3382	11
Little, Mary A	1184	4
Luce, Elizabeth (Part 2)	3206	11
McAlexander, Robert J	544	2
McCarty, Mrs. Catherine (Part 2)	3207	11
McGrayel, Michael	1767	6
McKee, Robert	740	3
McMillan, Joseph	1281	5
Morehead, Abner	2048	7
Moss, James	647	2
Murray, John G	1020	3
Norman, Mary (Part 2)	3203	11
Parks, Jennie M	3069	10
Pensions, to widows, &c	48	1
Reeves, Marion	2517	8
Rennoe, David M	2348	8
Ribble, Nancy L	47	1
Ross, Daniel H	739 2768	3 9
Schuffert, Gustav	1572	6
Sherlock, Bridget	513	2
Simpson, Thomas	546	2
Stafford, Otis S	2518	8
Stephens, Robert E	1016	3
Suffall, William J	772	3
Tibbetts, Mary A	1769	6
Van Arsdel, Joseph	742	3
Voss, Taylor	325	1
Ward, Thomas	276	1
Wilkerson, Isom	2054	7
Woodgill, Elizabeth	2519	8
Woolley, Susan	469	2
By Mr. Morrill:		
Acuff, William D	1738	6
Adams, Peter	2083	7
Alfers, Mrs. B	415	2
Allen, Albert	416	2
Andrews, William W	122	1
Anthony, Charles H	1774	6
Applegate, William P	1604	6
Atchison, John H	583	2
Austin, Lorenso D	242	1
Ayers, Lewis W	422	2
Ballinger, Henry G	1779	6
Barnett, Nicholas W	59	1
Barr, Henry	883	3
Barrett, George	53	1
Barry, Mrs. Susan E	3240	11
Barton, Thomas G	328	1
Beck, William H	2090	7

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Bennett, J. W	412	2
Bennett, Robert K	2520	8
Benson, John	241	1
Bethuren, William	2399	8
Bickerdike, Mrs. M. A	9	1
Black, Mary M	2526	8
Blake, William H	118	1
Bollinger, H. G	3086	10
Bottjer, Frederick	116	1
Boutwell, Daniel W	1425	5
Bowling, Samuel W	1590	6
Bowman, W. H. C	126	1
Brady, Mary	2945	10
Brenninger, Jacob	1913	7
Brentano, William	2666	9
Brinegar, John P	575	2
Broaddus, Mrs. P. E	65	1
Bruce, John L	2088	7
Bruner, Dr. J. F	52	1
Buck, William G	1594	6
Burns, Henriette	2405	8
Burrill, Andrew J	2823	9
Burtz, Ambrose	425	2
Buster, Felix R	1593	6
Butler, Aretus	2081	7
Butler, Margaret	1770	6
Bynum, John W	1909	7
Campbell, Eli W	64	1
	1602	6
Campbell, Jesse	2663	9
Campbell, Philip D	10	1
Campbell, William S	2109	7
Cannon, William	582	2
Carleton, A. William P	1776	6
Carlin, Bernard	60	1
Carnahan, Abigail	1596	6
Casteel, Mrs. Sarah	1702	6
Chapman, Mrs. Hannah M	225	1
Chenoweth, Isaac	115	1
Church, William	3254	11
Clark, John C	51	1
Collett, Anderson	423	2
Collins, Geriah	2098	7
Cook, Holden	13	1
Cooley, Eli W	3246	11
Cooney, Mrs. Lizzie E	224	1
Corey, Leander W	1117	4
Cotton, James D	1707	6
	1910	7
Cotton, T. W	1911	7
Cox, George W	1592	6
Crawford, Emeline	679	2
Cronk, Sarah M	1427	5
Dagley, Stokeley D	1736	6
Darling, James H	1904	7
Davidson, Clara B	2943	10
Davis, W. C	1115	4
Devol, E	2817	9
Dickens, William	2822	9
Dodd, H. H	3239	11
Domeyer, Henry	882	3
Dorman, Johanna	229	1
Dreesen, B. J	57	1
Dubach, Benjamin	851	3

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Duncan, Susan A	2407	8
Dye, James	15	1
East, Thomas B	1424	5
Ekengren, C. W	2412	8
Evans, Alexander	123	1
Farnum, Reuben	2400	8
Farris, John W	1484 3216	5 11
Faust, August	2101	7
Feathers, Joseph M	579	2
Fehrenbach, William E	3242	11
Fincher, John D	3081	10
Fink, Willis W	404	2
Flint, George W	651	2
Forsyth, Alexander	1116	4
Forsyth, Robert M	58	1
Fossett, Isaac	2084	7
Fuller, Andrew J	231	1
Galleyan, Mary M	407	2
Gard, Resin M	2409	8
Gause, John H	2414	8
Gillespie, William H	879	3
Glastetter, Fridoline	2657	9
Gooding, J. W	2397	8
Graves, Joshua H	1428	5
Griffith, John	2406	8
Green, Henry H	228	1
Grewell, Henry D	63	1
Grissom, Solomon J	1781	6
Gross, W. A	3092	10
Gunsales, Nancy	2820	9
Guy, Joseph	1905	7
Groynne, Nira D	578	2
Hague, Sarah	1423	5
Ham, George	3241	11
Hambough, George W	1908	7
Hamilton, Charles M	1737	6
Hanson, Samuel	402	2
Harden, Simmons	329 3204	1 11
Harper, Alexander	49	1
Harsell, Anthony	746	3
Havely, W. D	2396	8
Havens, Henry B	1589	6
Heath, Abbie B	2826	9
Heine, Frederick	1603	6
Henry, Samuel	11	1
Hewitt, Porter B	121	1
Hines, Hulda	1907	7
Hofield, Philip	55	1
Hollands, Maria	1050	4
Holmes, Malinda A	238	1
Holsey, Robert	2093	7
Holt, Charles H	240	1
Holt, Solomon	2107	7
Honigan, Richard	1735	6
Hopper, J. Francis	576	2
Hornbeck, Jeptha	113	1
Houser, Andrew	237	1
Huggins, Jennie	881	3
Hughes, Robert R	11	1
Aunt, Eveline and children	2094	7
Hunter, John H	2085	7
Hurst, Mrs. Amy A	117	1

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Jackson, Addison A	2824	9
Jackson, Jane	2108	7
Jackson, Patsey	226	1
Johnson, Dr. Jackson T	3250	11
Keith, William B	8	1
Kenamore, Lizzie	406	2
Kenney, Mrs. Mary B	2404	8
Kirk, Martin	410	2
Kirkpatrick, John S	2402	8
Kirkpatrick, Robert B	2080	7
Knoblock, Philip	3090	10
Koehler, Ferdinand	1589	6
Koontz, Levi	230	1
Krumm, Wendelin	1597	6
Kruse, Magdalena	428	2
Larwood, Jacob	2100	7
Lash, John H	2410	8
Leba, Margaret	3083	10
Leckner, Matthias	119	1
Le s, William J	1599	6
Leibscheets, Francis A	1490	5
Lester, Daniel	2415	8
Lewis, Mrs. Ma	1783	6
Lightner, Frank	232	1
Locey, T. J	2408	8
Loe, Louis	424	2
Logan, John W	650	2
Long, Albert	1600	6
Love, Isaiah A	1595	6
Lowery, Rebecca J., guardian	12	1
Mack, Daniel F	1739	6
Magoffin, Albert E	54	6
Manhart, Frank	1108	4
Marine, Frederick	1485	5
Marshall, Frederick	2105	7
Martin, Phoebe	235	1
Masten, Charles H	1915	7
Mathes, James G	3082	10
Mathews, Archibald	1711	6
Mays, Joseph	2828	9
McArthur, W. H. H	3093	10
McDonald, John P	2395	8
McElroy, John P	2664	9
McQuire, Joseph A	2111	7
McRobertson, Anthony	2522	8
Mibord, Maria	227	1
Milburne, G W	3245	11
Miller, James L	2087	7
Miller, N. M	409	2
Miller, William F	1110	4
Miller, George T	1426	5
Monroe, Stephen C	421	2
Mooneyhan, Elander M	1734	6
Moore, William H	2095	7
Moran, Robert	405	2
Morgan, James	1112	4
Morris, Nancy E	120	1
Mulholland, Hugh	1111	4
Murphy, Thomas	243	1
Naron, Levi H	2411	8
Nelson, Noah	1488	5
Nelson, William H	125	1
Newman, Thomas G	462	2
Nicholas, John G	2403	8

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O'Leary, Francis	1489	5
O'Neal, Hugh	681	2
Osbory, Francis	2106	7
Owens, Thomas	413	2
Parkinson, Samuel	1771	6
Parkinson, Thomas A	3085	10
Parke, George V	2398	8
Parmer, [illegible]	3251	11
Payton, John V	2521	8
Pennington, [illegible]	1049	4
Pensions to [illegible]	1868	6
Pensions, [illegible]	783	3
Perkins, George L	234	1
Perkins, [illegible]	1916	7
Perkins, [illegible]	2944	10
Phelps, Edward J	3084	10
Phillips, [illegible]	2523	8
Poe, John L	2254	7
Porter, [illegible]	418	2
Prewitt, [illegible]	114	1
Probert, [illegible]	2079	7
Pugh, James [illegible]	1598	6
Randal, James B	403	2
Ramsay, [illegible]	3227	9
Ramsey, Frank V	3348	11
Reynes, [illegible]	550	2
Reynolds, [illegible]	1703	6
Reynolds, [illegible]	2401	8
Rice, Sally V	3238	11
Ritter, [illegible]	785	3
Robinson, [illegible]	2821	9
Robinson, [illegible]	1704	6
Robinson, [illegible]	3088	10
Rodgers, [illegible]	3091	10
Rogers, [illegible]	3213	11
Ross, [illegible]	1486	5
Ross, [illegible]	581	2
Rosecrans, [illegible]	3078	10
Ruff, [illegible]	3089	10
Russell, [illegible]	80	3
Ryan, [illegible]	1772	6
Sanders, [illegible]	1778	6
Schenck, [illegible]	50	1
Schenck, [illegible]	2524	8
Schenck, William G	408	2
Schenck, [illegible]	239	1
Schenck, [illegible]	1775	6
Scott, [illegible]	3244	11
Scott, [illegible]	1777	6
Scott, [illegible]	124	1
Shankland, [illegible]	1048	4
Shankland, [illegible]	2889	9
Shankland, [illegible]	3249	11
Shankland, [illegible]	1109	4
Shankland, [illegible]	1001	6
Shaw, [illegible]	2525	8
Shaw, [illegible]	2092	7
Shaw, [illegible]	1917	7
Shaw, [illegible]	2665	9
Shaw, [illegible]	417	2
Shaw, [illegible]	1114	4
Shaw, [illegible]	680	2
[illegible]	3253	11
[illegible]	2097	7

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Smith, Samantha A	1701	6
Smith, Stephen R	2099	7
Smithpeter, James	2942	10
Snovely, Jacob	61	1
Snyder, James A	1914	7
Squires, William P	326	1
	2096	7
Starne, Levi M	1113	4
Starr, William H	1733	6
Steward, Jackson	2082	7
Stewart, Elizabeth	649	2
Stone, Ashford A	2103	7
Stouecypher, David	420	2
Stout, Zephaniah	2110	7
Stuckey, John	3247	11
	3465	11
Swartz, William M	1591	6
Sweet, Franklin	2919	10
Taylor, Mrs. Arlanta T	2886	7
Taylor, Mary J	1491	5
Taylor, William	411	2
Theun, Catherine	1780	6
Thompson, Minerva T	784	3
Thornberry, Joseph H	2091	7
Thornburg, J. H	3080	10
Thornton, John W	652	2
Tibbetts, John B	2102	7
Tillman, Hezekiah	1782	6
Town, M. S	414	2
Tryon, Spencer W	1906	7
Tucker, Ralph H	1912	7
Twitchel, Leander C	747	3
Underwood, James A	233	1
Vernay, James D	236	1
Wright, Sarah C	2825	9
Wagner, Philip	327	1
Walford, Charles H	1710	6
Watson, James	1708	6
Watson, John	1773	6
Westerhouse, John H	1705	6
Westfall, Abraham	3243	11
Wetzel, M	1709	6
Wheeler, William H	2104	7
White, John C	580	2
White, Silas S	577	2
Whittaker, John H., guardian	584	2
Weide, August	56	1
Welch, Isaac	62	1
Wiggins, V. L	427	2
Wilde, James B	1487	5
Williams, Henry C	426	2
Williams, John S	2089	7
Williams, John W	3087	10
Wood, Mary	2941	10
Wood, W. J	2416	8
Woodson, Mary S	1706	6
Younger, John W	3252	11
Zarn, Adam	419	2
Zetterman, Garret D	2818	9
Zimmerman, John	2413	8
By Mr. Neece:		
Anderson, Missouri	2956	10
Baker, Emily B	2267	8
Barrett, Lucinda	2954	10

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Beeler, Sophia	2162	7
Beisinger, Catharine	2265	8
Bishop, William	1804	6
Bridges, John S	2322	8
Burki, Elise	2000	7
Campbell, George H	316	1
Clark, Daniel B	19	1
Clark, Eunice E	1539	5
Coleman, Edward	2628	9
Condon, William	277	1
Cooley, Orin P	2959	10
Corzatt, Silas	1541	5
Cronkhite, Lewis A	2958	10
Decker, Elmer	1806	6
Deep, John W	2155	7
Downs, Martha	1538	5
Duffy, John	2890	10
Dutcher, Lucy G	2158	7
Faulk, George	2962	10
Forbes, Duncan	2160	7
Frost, Samuel	811	3
Gregg, Sarah	1542	5
Haines, Silas K	2156	7
Hawley, Giles C	278	1
Jones, Capt. Elihu	2266	8
Kaylor, Mary	2957	10
Kirchner, Erdmuthe	1803	6
Lafner, Henry	2960	10
Lanigan, Catharine	2690	9
Lannan, Daniel	2631	9
Lents, Jonathan	2159	7
Marshall, Anna M	2961	10
Mattingly, John M	1540	5
McElhinny, Harvey	812	3
McKay, Elizabeth	1285	5
McManus, Rose	1135	4
Merrill, Stevens W	1212	4
O'Shea, James E	2434	8
Otey, Washington T	1755	6
Parker, Newcomb	2365	8
Pratt, Caroline E	2588	10
Robbins, Elizabeth A	1805	6
Robert Rebecca	2264	7
Rider, Harriet M	2001	7
Schaefer, George	1066	4
Scudder, Jesse B	346	1
Shull, Joseph	2367	8
Schultheis, Daniel	2746	9
Smith, Nancy C	2889	10
Smithers, Thomas T	279	1
Stevens, Augustus Field	2306	8
Sullivan, Mary	2157	7
Tegan, Thomas	1998	7
Van Buren, Barnett S	2630	9
Vanorder, Andrew J	2955	10
Vorhees, Martha A	2161	7
Waters, Catharine	2629	9
By Mr. O'Hara:		
Ammons, Rufus G	2251	7
Ancrum, Mrs. Sallie	1792	6
Archer, Mrs. Mary Ringgold	145	1
Askew, Thomas	247	1
Askie, Isaac	2834	9
Bartholomew, Betsy	1996	7

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Bird, Ann	1519	5
Bent, Abbott B. J.	894 1796	3 6
Brant, George W	2142	7
Bromaghin, Angeline	248	1
Brookshire, Noah B	610	2
Burch, Joseph W	445	2
Carroll, James	698	2
Chambers, George	1750	6
Chambers, Green	1925	7
Cissell, Nirius	2948	10
Collins, Mrs. Elizabeth	2136	7
Deniers, John	2143	7
Foreman, Charles	1517	5
Franklin, Nancy	1793	6
Fuchs, Barbara	1521	5
Googins, Irene	2947	10
Guyse, George W	444	2
Hair, James N.	891	3
Hastings, Mrs. Mary	701	2
Hawkins, Isaac N	1698	6
Haynie, George C	144	1
Hensley, Elijah P	890	3
Hillberg, Andrew J.	1924	7
Hoff, Mary	246	1
Hooper, Sarah A	2835	9
Hunter, Maria	1522	5
Korth, Frederick	1520	5
Lake, Gideon C.	2144	7
Langley, Jane M.	7[illegible]0	3
Lucas, Daniel	253	1
Magnon, Marcel	2837	9
Malone, Susan	1794	6
Marble, Mrs. Martha A	789	3
McCall, William L.	700	2
Merrill, Mary	887	3
Moore, Isaac	143	1
Morris, Rebecca	2946	10
Mosher, Frances	21[illegible]8	7
Nix, Jacob	2140	7
Norman, Mary	1107 3203	4 11
Odell, Charles G	1997	7
Paul, Johanna and Anna Karbella	252	1
Pendergrast, Edward	892	3
Pension, increase of	1525	5
Plowden, Walter D	751	3
Pruitt, James Madison	1749	6
Ranney, Hiram M	1926	7
Ray, William S	2141	7
Rice, Stephen	2252	7
Rice, Warren L	2543	8
Roberts, George A	249	1
Roberts, Mrs. Edna	250	1
Robinson, James	2250	7
Rowe, John	1995	7
Rowley, Roxana V., and son	888	3
Sams, Anson B	141	1
Sams, James S	2953	10
Sams, Nancy E	2954	10
Schuler, Charles	1695	6
Seaman, Darius M	889	3
Seaman, Randolph	1696	6
Shelton, William P	2139	7

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[illegible]—Continued.		
[illegible] William [illegible]	446	2
[illegible], Virginia A	1518	5
[illegible], Mary [illegible]	443	2
[illegible], Mary Grace	1795	6
[illegible], Miss Bridget	699	2
[illegible] Lewis M	893	3
[illegible] Whitfield	790	3
[illegible], Mrs. Sophia	2833	9
[illegible] Asiang O	1523	5
[illegible], Mary M	2836	9
[illegible], Mary	251	1
[illegible], Moses	2950	10
[illegible], William	611	2
Walsh, Thomas B	2137	7
Weekley, Thomas	2949	10
West, Callie	1697	6
Wetherell, George W	1927	7
Wheelock, Jared D	1751	6
White, Stephen	1524	5
Williams, Joseph	142	1
Young, Anderson W	2952	10
By Mr. Pidcock:		
Anin, Henry	674	2
Antes, William	1210	4
Baylor, James R	2417	8
Beard, Robert	1211	4
Brown, Thomas	2418	8
Buchanan, John	2588	9
Butler, James	271	1
Callanan, Margaret	429	2
Case, Jacob	2585	9
Collins, Fanny	349	1
Conner, William	2419	8
Cramer, Noah S	3096	10
Crowley, Elizabeth	898	3
Deremer, Philip	675	2
Dermody, William	431	2
Dunbar, James	798	3
Fain, Margaret S	2584	9
Garis, Aaron	2589	9
Griggs, Abraham P	2586	9
Hamilton, Marcus A	348	1
Hildabrant, Nathan	347	1
Hill, Edward L	676	2
Hoffman, Noah	678	2
Hoffman, Peter P	2857	10
Holmes, Mary B	678¼	2
Hensell, Amanda	432	2
James, John D	430	2
Jaycox, George W	2021	7
Johnson, Jenet L	799	3
Johnson, Mary E	1065	4
Mandeville, Susan C	270	1
Marchand, Margaret D	2592	9
McAnny, James	269	1
Miller, Mrs. Kate	268	1
Miller, John	2587	9
Obekiah, Benjamin	2853	9
Owen, Mrs. Annie C	2321	8
Patterson, B. Frank	2590	9
Peck, Samuel C., jr	350	1
Potter, Joseph M	2854	9
Prost, Lieut. Joseph	897	3
Rose, John W	433	2

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Savercool, James	2583	9
Shimer, Emma M	797	3
Taylor, Martin	1209	4
Teits, Jacob	3095	10
Todd, Michael	2855	9
Tompkins, Zebulon S	2591	9
Van Billiard, Oliver	272	1
Walters, Joseph B	434	2
Wolverton, Benjamin S	677	2
Wright, Giles	2856	10
By Mr. Pindar:		
Bauman, Frederick	752	3
Blake, Mary F	2308	8
Burnett, Hattie	2151	7
Butler, James H	2307	8
Calkins, Newton A	2152	7
Carman, Mrs. Fannie	3289	11
Carroll, Sarah M	2309	8
Crymble, Ellen	795	3
Cullen, Bridget M	582	5
Dilts, Elizabeth E	3288	11
Ewing, Franklin R	3290	11
Fitzpatrick, Michael	2831	9
French, Thomas D	3292	11
Fritz, Ferdinand	3286	11
Gifford, William H	2153	7
Jacobs, Philip	273	1
Jacoby, Mrs. Margaret A	896	3
Jaycox, George W	2021	7
Kearns, Margaret	702	2
Kile, Maria	1605	6
Krehbiel, John D	1283	5
Lansing, Edward B	2154	7
Laurence, George H	2150	7
Leddy, Ann	796	3
Lynch, Mrs. Antonia B	1802	6
Madden, Margaret	1740	6
Mayham, Margaret	1346	5
McCoy, Mary	3285	11
Moran, John	2832	9
O'Brien, Sarah	2731	9
Potts, Robert	2670	9
Purvis, Philemon B	2255	7
Renz, Agnes	704	2
Roscoe, Henry	2531	8
Sattler, Mrs. Catherine	2149	7
Saunders, Phoebe	146	1
Schier, Mrs. Anna	2689	9
Slamm, Jane E	1284	5
Sprague, Mary	2530	8
Stapleton, Robert H	1118	4
Taylor, John	703	2
Taylor, Mary K	3287	11
Taylor, Nathaniel	79	1
Thompson, Mary M	3291	11
Todd, Catharine S	1741	6
Towers, Peter	274	1
Walsh, Thomas	2688	9
Wright, Mary F	2256	7
Wyant, Charles	895	3
By Mr. Sawyer:		
Bagley, Annie	1526	5
Baker, Newton O	138	1
Bangham, Eleanor C	70	1

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Barnes, William B	3094	10
Blood, Col. James H	2939	10
Bragg, Sarah L	140	1
Bulman, Samuel	2551	8
Caswell, Margaret A	463	2
Chase, John F	275	1
Christie, William	653	2
Clark, Livingston	2934	10
Clark, Phila	2937	10
Colbath, Mrs. Margaret	1699	6
Cutter, George W	2421	8
Eitapence, Anthon	2838	9
Foreman, Richard	2935	10
Grimes, Mary	2933	10
Hascall, Bailey	1527	5
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ECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5950.]

mmittee on Invalid Pensions, to whom was referred House bill 5950, *submit the following report:*

t the claimant is the widow of the late soldier, Martin Reisinger, as a private in Company B, Twenty fifth Regiment Indiana Vol- s; that he enlisted in said regiment August 19, 1861, and was rged July 17, 1865; that he applied for a pension May 31, 1871, ed while said claim was pending. The evidence shows that he from phthisis pulmonalis. The military record of said soldier that he received a gunshot wound in the left elbow. Dr. W. W. h testifies that claimant died September 12, 1878, from phthisis nalis, complicated with heart disease—dilated hypertrophy, chiefly ventricle, with mutual insufficiency. The immediate cause of was probably the tubercular affection.

captain of his company, Alex. Darling, testifies May 31, 1871, he claimant was wounded by gunshot at the battle of Shiloh, 6, 1862, in the line of duty.

nt. C. J. Stroud testifies May 31, 1871, that some time in the win- 1864–'65 claimant took a severe cold wading the swamps, &c., in ia, which settled on his lungs.

utant-General's report shows soldier absent in hospital November ecember, 1864, and January and February, 1865.

rades August Johnson and Charles Schlanch testify that claimant ounded in left arm April 7, 1862, and that he had a cold and in December, 1862, and complained of weakness of the breast.

Dr. D. E. Forstmeyer testifies that the soldier was sound in every respect, and was in perfect good health at the time of enlistment.

Your committee can come to no other conclusion only that the soldier died from the effects of a disease contracted in the Army while he was in the line of his duty, which was the result of exposure; that consumption was the immediate cause of his death, but that it probably was complicated with heart disease and other troubles, but that the said ailments were all due to his Army service.

The soldier's claim for a pension was rejected on the ground "that there was no pensionable disability from gunshot wound, and rejected for lung trouble, that it was not established from the proof."

Your committee are of the opinion that the soldier should have been granted a pension, and therefore recommend the passage of the bill.

O

NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 823.]

Committee on Invalid Pensions, to whom was referred Senate bill 823, submit the following report:

hat they have examined the evidence in said case; that said commit- hereby adopt Senate report made on said bill, No. 823, which report words and figures as follows:

[Senate Report No. 594, Forty-ninth Congress, first session.]

Committee on Pensions, to whom was referred the bill (S. 823) granting a pension to Capt. Elihu Jones, have examined the same, and report:

hat Elihu Jones served as a member of Battery G, Fourth Regiment United States illery, from December, 1853, until March, 1860, when he was discharged under gen- orders. He spent some months in recruiting, and entered the volunteer service in il, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain he company in February, 1863, and serving in that capacity until October 7, 1864. was wounded in the right arm by a shell, and is now drawing a pension of $10 per th for that disability. His application for additional pension on account of dis- of the eyes was rejected by the Pension Office because he failed to prove treat- t therefor in the service, and on the ground that said disease existed prior to ment.

ere is no question raised as to the claimant's having lost the sight of one eye s ago, and having almost entirely lost the use of the other. There is an abund- of testimony showing that he was a brave and faithful soldier, and a sober and erate man, who took unusual care of his health. His title to an increase of pen- turns upon the point whether disease of eyes existed prior to enlistment. The ion Office held that it did, basing this action upon a special investigation which examiner says was hurriedly made. An examination of the evidence on this point fies your committee that this action was erroneous, and that the disease of eyes nated in the service as claimed. This belief is corroborated by the fact that

NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1580.]

Committee on Invalid Pensions, to whom was referred House bill 1580, *submit the following report:*

ıat it appears from an examination of the papers in the Pension ɜe, on her application for a pension, that the claimant was married to B. Baker, May 23, 1854, in the county of Niagara, New York. That said Baker died at Hartford, Conn., June 1, 1876, leaving surviving the claimant, his widow, and one child, Minnie B. Baker, born June 1862.

hat Mr. Baker was mustered into the service of the United States aptain of Company B, Eighth New York Heavy Artillery. Made or to date June 26, 1864; lieutenant-colonel January 17, 1865, and nel February 4, 1865. During September, 1864, and the following ober, he was absent on sick-leave. In the certificate of the regi- ıtal surgeon, of date of August 29, 1864, he certifies that Colonel ter was suffering from chronic diarrhea of two months' standing, and eral debility incident thereto. That the disease was not amenable medical treatment, being due to malarious causes. That he returned n sick leave November 12, 1864; that he was transferred to the th New York Volunteers June 5, 1865, and mustered out with field staff of said regiment June 30, 1865.

dward H. Taylor testifies—

ıs a member of Company E, in the same regiment with Colonel Baker, and was ered into the United States service August 8, 1862; that he was personally ac- ıted with Colonel Baker from the time he was mustered into the service until ischarge; that

ring the summer or fall of 1864, while regiment was in front of Petersburg, Col-

from exhaustion from over-work, and that there were indications of heart trouble, the nature of which he was then unable to state.

Dr. Lyon testifies that he attended Colonel Baker at time of his death; that Colonel Baker stated to him that there was pain in the temporal region and that he felt a sense of nausea; that he, said Lyon, held a *post-mortem* examination; that on such examination it appeared that the body was not nourished; the head and scalp were much congested; the pia mater was also much congested; the right ventricle contained a clot of black blood about the size of a large hen's egg, and also, among other things, that the lungs were healthy; the aortic and mitral valves were found insufficient by the water-test; the aorta also contained patches of atheroma; the kidneys were nearly equal in size, weighing together 8½ ounces; a microscopic examination showed these organs to be in the early stage of chronic diffuse nephritis. The application was rejected on the ground that the cause of death originated after the service.

It appears by the testimony of Dr. Raymond, who had known Colonel Baker for forty-two years, and had been his family physician both before and after his military service, that the soldier was at the time of enlisting in the service—

> A sound, healthy, vigorous man in all respects; that he left said service with impaired health, which continued until his death, and that in deponent's opinion and judgment as a physician the death of said soldier was caused by and was the result of said military service, and that deponent's opinion is based upon his long intimate acquaintance with said soldier, and having treated him frequently after his discharge, and from repeated and careful examinations of his physical condition at various times after his discharge and up to a short time before his death.

Your committee, believing this to be a meritorious case, do recommend that the bill pass.

'ILLIAM WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 3031.]

'ommittee on Claims, to whom was referred House bill 3031, *having considered the same, submit the following report:*

e letter of the collector of customs of Chicago fully explains the nds of the claimants. The letter is as follows:

CUSTOM-HOUSE, CHICAGO, ILL.,
Collector's Office, February 11, 1886.

: Further replying to your reference E. H. under date of the 28th ultimo, I the honor to inform the Department the House bill No. 3031 is defective in cer- articulars, which I will endeavor to point out briefly as possible. The records s office show that in April, 1881, the Department gave notice that the appropria- r the compensation of employés in this building was exhausted, and that they l receive no compensation until a deficiency bill could be passed by Congress, or the new appropriation for the fiscal year commencing July 1, 1881, was avail- Several vacancies occurred in the force necessary for the care of the building g the time when there were no funds available, and when nominations were sub- l to the Department to fill such vacancies the Department declined to approve minations because it had no funds from which to pay for the service.

William Henry Smith, then collector and custodian, swore the new employés rly and retained them in regular service, thinking their salary would be paid Department as soon as funds became available, and other employés were paid e employés in the building disposed of part (or all) of their salary due to banks ivate parties in this city, and gave powers of attorney to said banks and per- collect same when checks came for such payment. The checks came for all yés except Noble Hilliard, Anton Nieman, C. E. Putnam, E. C. McCune, James ite, and F. G. Harlan, whose nominations were not approved, as aforesaid. They afterward duly approved and drew their salary for July, 1881, and following s regularly the same as other employés, but have never received payment for ervices during the months of April, May, and June, 1881.

bill as drawn makes provision only for the part of the salary of Hilliard, Nie-

F. G. Harlan:		
May	$48 39	
June	50 00	
		$98 39
C. E. Putnam:		
May	14 51	
June	50 00	
		64 51
James H. White:		
April	45 00	
May	46 50	
June	45 00	
		136 50
Anton Nieman:		
April	39 00	
May	39 00	
June	39 00	
		119 00
Total		648 90

If the bill No. 3031 should pass it would only make provision for such money as was advanced to four of the six employés whose compensation was advanced by the Illinois Trust and Savings Bank. I have prepared and transmit herewith an amendment to such bill as will, I think, make proper provision for the six employés whom the Department has never paid for their services. The bill No. 3031 states that the money is due for "extra time," but it is for regular services rendered and unpaid for.

I cheerfully recommend the passage of the bill, and with the clause in the amendment offered "or their assigns," and if the checks for payment come through my hands I shall endeavor to protect the persons who have advanced the salary of the persons for parts of their "time."

I am, sir, very respectfully,

ANTHONY F. SEEBERGER,
Collector.

Hon. DANIEL MANNING,
Secretary of the Treasury, Washington.

Your committee are of the opinion that the parties named in the above letter should be paid the amounts due them for work performed in good faith. They rendered the service, the Government got the benefit of it. There is no reason why they should not be paid.

Your committee recommend the following amendments: Strike out all after line 5 and insert in lieu thereof the following: "or their assigns the amounts hereinafter set forth: To Noble Hilliard, the sum of eighty-two dollars and fifty cents; Anton Nieman, one hundred and nineteen dollars; C. E. Putnam, sixty-four dollars and fifty-one cents; F. G. Harlan, ninety-eight dollars and thirty-nine cents; James H. White, one hundred and thirty-six dollars and fifty cents, and to E. C. McCune, one hundred and fifty dollars; the same being the amounts shown upon the original pay-rolls of the custom-house, Chicago, Ill., signed by the officers in charge, to be due said persons for services rendered in the said custom-house building"; and when so amended recommend that the bill do pass.

WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 7785.]

Committee on Claims, to which was referred House bill 7785, having considered the same, submits the following report:

his bill simply gives the Commissioner of Internal Revenue, with approval of the Secretary of the Treasury, authority to audit and le certain accounts of gaugers who, under assignment, performed r duties before the date of their official qualification.

he Departments should have authority to settle all such cases.

his bill meets the approval of the Treasury Department, as follow- letter will show:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 1, 1886.

:: House bill No. 7785, "for the relief of certain gaugers and other internal- ue employés," &c., meets my approval. It was prepared after consultation Mr. Henderson, who introduced it, and is intended to authorize the payment of meritorious claims which the technical terms of the law did not warrant.

Very respectfully,

JOS. S. MILLER,
Commissioner.

n. WM. M. SPRINGER,
Chairman Committee on Claims, House of Representatives.

our committee is of the opinion that this bill should pass, and so mmends.

O

W. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R 5651.]

Committee on Claims, to whom was referred House bill 5651, *submit the following report:*

n the night of October 1, 1883, the office of David W. Low, post-ter at Gloucester, Mass., was entered by burglars, who broke open safe, and took and carried away the following property, viz:

age-stamps	$584 42
ey-order funds	659 93
al funds	727 36

he postmaster appears to have used due care in the protection of property, and the loss was through no fault of his.

he Postmaster-General, on proof of the facts, has credited the post-ter at Gloucester with the loss of stamps and money-order funds, certifies that he has not allowed the item for postal funds simply use he has no authority in law to make such allowance.

view of the premises, the committee are of opinion that this item ld be allowed, and report back the bill with a favorable recom-lation.

printed.

WILLIAM WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 3034.]

Committee on Claims, to which was referred House bill 3034, *having considered the same, submits the following report:*

ıis bill asks the payment of employés for services rendered by them ·eight hours a day in the months of January, February, March, il, and May, 1881, in the Chicago custom-house. The claimants ber thirteen. The amount asked is $1,493.62.

ıis work seems to have been performed with the understanding the laborers were to be paid for time they worked over eight hours day. Pay-rolls were made out showing the amount due them. following letter will explain the service:

CUSTOM-HOUSE, CHICAGO, ILL.,
Collector's Office, February 10, 1886.

Respectfully referring to Department reference under date of the 28th ultimo, he inclosed letter of Alex. J. Jones, clerk of the House Committee on Claims, I he honor to return House bill 3039, introduced by Mr. Dunham, "authorizing cretary of the Treasury to pay certain citizens of Chicago, employés of the house, for extra-time service."

e made certain changes in the names of the persons named, to correspond with ıths of office and their record upon the duplicate pay-rolls on file in this office. anitor of this building, who has had charge of the making of pay-rolls for the e years, has furnished me with abstract statements from the pay-rolls, which e number of hours worked by each named person, the date, and the amount he work performed was during the months of January, February, March, nd May, 1881, under Chief Engineer Morse, who during these months was en- n making extensive change in the plant in the basement of this building,

ing that they were to be paid, and though pay-rolls and affidavits have been warded to the Department several times for the use of Congress.

The abstract prepared by the janitor is transmitted herewith. I would recomm that Congress make provision for the payment, as the men are all laboring men need the amount due them.

I am, sir, very respectfully,

ANTHONY F. SEEBERGER,
Collector of Custom

HON. DANIEL MANNING,
Secretary of the Treasury, Washington.

The committee is of the opinion that the parties named in the b should be paid the amounts claimed by them, in accordance with th contract.

Your committee recommends the following formal amendments:

In line 7, the middle initial in the name of Irwin should be "W," a not "M." In line 14, strike out the letter "W," in the name of t claimant, and insert in lieu thereof the letter "M." In line 26, stri out the word "Rogers," and insert in lieu thereof the word "Regar and when so amended the committee recommends that the bill do pa

. W. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 5652.]

e Committee on Claims, to whom was referred House bill 5652, beg leave to submit the following report:

)n the night of February 21 or the morning of February 22, 1884, the t-office at Amesbury, Mass., then in charge of James W. Goodrich, tmaster, was burglariously entered, the safe drilled and broken open, l the following property taken therefrom and carried away, viz:

ey-order funds	$22 93
ents of letters and private funds	74 00
ge stamps (estimated)	412 04
l funds	403 97

ie postmaster appears to have used due care for the protection of Government property, and it cannot be said that the loss was through fault of his. The Postmaster-General, on proof of the facts, has ted the postmaster at Amesbury with the value of the entire prop- itolen as aforesaid, with the exception of the "postal funds," which rtifies to have been disallowed simply for want of authority in law ke such allowance. In consideration of the premises, the committee pinion that Mr. Goodrich should be credited with the loss of postal in this case, and report back the bill, with the recommendation t do pass, amended by substituting $403.97 in place of $414.14, as l in the bill.

O

·. NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4275.]

Committee on Claims, to whom was referred the bill (H. R. 4275) · the relief of William J. Smith, late collector of customs for the port Memphis, State of Tennessee, having had the same under considera-n, respectfully report:

e facts in this case and the reasons why the relief should be granted tated in a report from the Senate Committee on Finance of the nt Congress on a Senate bill seeking the same object as the pres-ill, which report is adopted, and is as follows:

bill was reported favorably to the Senate in the Forty-eighth Congress, and the Senate, but was not considered by the House. The committee adopts the report, as follows:

:laimant, who was a Representative in the Forty-first Congress from the Mem-strict, in the State of Tennessee, was at the end of that Congress appointed r of customs for the port of Memphis, and held the office for three terms of ars each.

it appears from his petition, which is sworn to, that early in the summer 1882, lth was so much impaired as to require him to leave Memphis for a time, and his absence a special agent of the Treasury Department examined his office ad that his special deputy and clerk, N. D. Smith (who, by the way, was not to the surveyor), had embezzled and appropriated to his own use from marine collections and inspection fees the sum of $2,004.99.

id deputy and clerk had been in the office for several years and enjoyed the nfidence of the surveyor, as well as the respect of the community in which As such deputy and clerk he kept the books and was the custodian of the and vouchers of the office.

bezzlements were commenced in a manner so adroit and skillful as to have ll ordinary vigilance, as they did elude that of the surveyor. They were com-by taking small sums from the marine-hospital fund and making his entries oks of the office correspond with the amount paid over or not taken; but the

have required a very extraordinary degree of diligence, stimulated by suspicion, to have detected the crime.

The committee further finds that the salary of the surveyor was only $350 a year, and that the whole receipts of his office for the fiscal year ending June 30, 1882, was only $804.

As it has been the constant policy of Congress for many years past to relieve faithful public officers from losses such as these where no blame attached to the officer for such loss, and the committee being satisfied that no blame can attach to General Smith in respect to these embezzlements, the bill is reported back with amendments striking out the word "collector" where it occurs in said bill and inserting the word "surveyor," and with the recommendation that it pass.

The committee submits, as a part of this report, the following letter from the Secretary of the Treasury, and the report of William H. Williams, special agent:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 21, 1884.

SIR: In compliance with your request of the 18th ultimo, relative to Senate bill No 969, for the relief of Mr. William J. Smith, late surveyor of customs at the port of Memphis, Tenn., I have the honor to transmit herewith the report of Special Treasury Agent William H. Williams on the subject.

The petition of Mr. Smith, together with a letter from his attorney, R. M. Thomson, esq., dated February 16, 1884, is herewith returned.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

OFFICE OF SPECIAL AGENT TREASURY DEPARTMENT,
Memphis, Tenn., March 4, 1884.

SIR: In pursuance of Department instructions of February 23, 1884 (L. G. M.), referring to deficit in the accounts of the custom-house at Memphis, Tenn., caused by the embezzlement and defalcation of N. D. Smith, ex-deputy surveyor at that port and asking for my views in regard to the petition for relief of General W. J. Smith ex-surveyor, I would beg leave to submit the following:

It is true as stated in the petition that in the month of July, 1882, I visited the custom-house at the port of Memphis, and that the surveyor, General W. J. Smith was absent; that I discovered a deficit in said office, caused by the deputy surveyor N. D. Smith, collecting marine hospital tax and steamboat inspection fees and not accounting for the same, making no record of such collections in the proper books and records of the office, and that I reported the same to the honorable Secretary of the Treasury.

Subsequently, by direction of the honorable Secretary, I made a careful inspection of the office, and I found the deficit to be $2,110.64.

From my examination of the records of the office, and on consultation with owners of steamboat lines, and inspection of their receipts, post-office orders, checks, &c., I learned that this deficit commenced in 1880, and at first consisted in taking small amounts from the marine hospital collections, which was done in the following manner: When the marine hospital return was made by the owner of boats to the custom-house, N. D. Smith, cashier, custodian of papers, clerk, &c., would receive them, together with collections on same, and would secrete or destroy such returns as represented the amount he appropriated at the time to his own use, and no record of the transaction was made. This at first was not done often, and the sums so taken were not large enough to excite suspicion.

I also found that some time in 1882 he had commenced using the collections for steamboat inspection fees, and that for the last quarter, ending 1st of July, 1882, he embezzled over $400 of this fund; this, together with the marine hospital collections, appropriated up to this time, amounted to $2,110.64.

The records show that ex-Surveyor W. J. Smith has paid of this deficit $1,922.34, leaving a balance to be adjusted on final settlement of his accounts of $188.30.

As to the propriety of refunding to the ex-surveyor, General W. J. Smith, the amount of the deficit paid by him, and allowing him a credit for the amount still due, I will state that N. D. Smith, the ex-deputy, up to the time of the discovery of this defalcation, was considered a man of exemplary character, strict integrity, and was trusted implicitly by General W. J. Smith, having his entire confidence, not only in his official capacity, but in his private relations.

Special Agent.

n. CHARLES J. FOLGER,
Secretary of the Treasury, Washington, D. C.

mend the bill by striking out the word "collector" where it occurs, insert the word "surveyor." When so amended, the committee mmend that the bill do pass.

r. NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 320.]

Committee on Claims, to whom was referred the bill (H. R. 320) for the ief of Hiram W. Hubbard, have considered the same, and respectfully ort:

e object of this bill is to authorize the Post-Office Department to t the account of Hiram W. Hubbard, postmaster at Centralia, Ill., the sum of $780, postage stamps and postal funds stolen from the of the said postmaster, October 23, 1884.

e circumstances under which the stamps and funds were stolen are set out in the letter of the Acting Postmaster-General and accompapers hereto annexed, marked Exhibit A, and made a part of eport. The committee are of opinion that the loss was without on the part of the postmaster, and recommend that the bill do pass.

EXHIBIT A.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 21, 1886.

I have the honor to acknowledge the receipt of your communication of the stant, inclosing copy of bill H. R. 320, "for the relief of Hiram W. Hubbard, ostmaster at Centralia, Ill," and requesting that the Department furnish your ee with any information here on file respecting the subject-matter of the bill. elief so sought is the reimbursement to the said postmaster of the sum of ng the value of postage-stamps, and $140 in money, all belonging to the United nd alleged to have been stolen from the safe in the said post-office October 23, thout fault or negligence on the part of the postmaster. The facts upon which

the breaking into the house or building of another *in the night time*, with the intent to commit felony therein.

The following opinion is indorsed upon the papers in this case:

"It appears from the within statement of the claimant that the loss of the stamps and money for which credit is claimed, occurred during the hours of 3 and 3.45 p. m., at which time the office was closed in accordance with a proclamation by the mayor, on account of a fair then in progress. The loss not having occurred in the night season, did not result from burglary, and I therefore recommend that the claim be disallowed."

A copy of the letter of the postmaster referred to in the report of the inspector, herewith submitted, is respectfully inclosed.

Very respectfully,

A. E. STEVENSON,
Acting Postmaster-General.

Hon. WILLIAM M. SPRINGER, M. C.,
House of Representatives.

SAINT LOUIS, MO., *November* 8, 1884.

SIR: I have the honor to return herewith Case No. 181,356, "B." concerning the robbery of the post-office at Centralia, Marion County, Illinois, which occurred in the afternoon of October 25, 1884, and which I have personally investigated. Upon careful inquiry I ascertained that the facts and circumstances connected with the robbery in question are substantially as narrated by the postmaster, Judge H. W. Hubbard, in his letter inclosed in the case. The county fair being in progress at Centralia on October 25, 1884, the postmaster closed the post-office between the hours of 12.30 and 4.30 p. m. on that day, which was done in accordance with a custom which has prevailed there from time immemorial. As near as could be ascertained the robbers intered the post-office from the rear some time between 3 p. m. and 3.45 p. m., and abstracted from safe postage-stamps to the amount of $640 and postal funds amounting to $140—total, $780. Everybody connected with the office, including the postmaster, absented themselves during the afternoon in question, and the security of the office rested solely upon the fastenings of the doors and windows. The safe belonging to the postmaster, in which the stamps and money are kept, was carlessly left his left hand which is the one that must be cut. Blood was also on the office window, floor, inside the safe, and on safe door. It must be a bad cut, as it bled profusely. The box in which the stamps were was in the safe. It is a pasteboard box about the size of a sheet of stamps, and about two and one-half inches thick. On the outside of the box are checkerboard squares so that the box could be used as a checkerboard. To the best of our knowledge it contained 32,000 2-cent stamps, laid in layers of 1,000, with a slip of paper separating each thousand, same as inclosed slip. Numbers in handwriting of postmaster, and some in handwriting of clerk. Another box they took was made of tin, a little larger square than a sheet of stamps, about 4 inches thick; had a little brass padlock, United States pattern, thick lick the key fitting in one end and the fitting in the opposite end. This box was empty, with the exception of a pasteboard box similar in size to the one that contained the stamps. It was locked. It is supposed that they thought it contained the money, as they did not get very much cash. No trace can be found of either of these boxes. The cash they got was $100 in greenbacks, two $20 gold pieces; $140 in all. The robbery must occurred between quarter past 3 and quarter to 4, as the blood was quite fresh when first discovered. It was done right in broad daylight, with a barber shop right next door open, carpenters working in a new building on the other side, and livery stable in alley to the side and rear of the office. It was a bold and daring robbery. The man who had cut his hands was seen to come out of the gate right by the window they entered, by the man working in the new building, but he did not think it strange. There were several of them. Two suspicious persons were seen in the alley-way alongside of the office. Two men were seen by the barber in the rear of the office. The barber having stepped out in the back yard, one of them stepped towards him and asked the barber if there was a water-closet. They being told there was not, he walked away. The other man was standing by the window. Evidently they had only just come into the yard. Right over the office is a dentist's rooms. Now, the dentist was working by an open window directly over the rear part of the office and also directly over the window through which they entered. Now, one of these men saw the dentist there. He then goes up the front stairs, goes into the dentist's, tells him that he has got a tooth that has been bothering him for some time. This takes the dentist away from the window to the other part of the room. Dentist says that the man's teeth were just as sound as a bright, new dollar. After he had kept the dentist's attention long enough, he finally says: "Well, I want my teeth cleaned anyhow. I will come back in about an hour and have you clean them." This, after

There were three others, who had been pointed out to the police as hard cases hicago. One was tall, pretty well built, light brown hair, fair complexion, out thirty-five years, were sack coat, felt slouch hat, clothes dark. The other dium height, well built, and the description agrees with the first one described. her was a young man, dressed about the same. These men were all concerned job, we believe. They probably left town that night, as there was quite a f fakirs, &c., left that night and next day, most of them going south. Some o Salem fair, about 18 miles from here. The city police did all they could to em in the city. No steps have been taken outside the city to capture them. gang that is following the fairs and assemblages. I received a dispatch from uctor on the Ohio and Mississippi Road, by the name of E. L. Branch, who d to know if there was a reward offered for the capture of the thieves. I an- l him that there was not. I inclose the dispatch.

ting this information may be of service, I await further advice.

Very respectfully,

H. W. HUBBARD, *P. M.*

eral WARREN P. EDGARTON,
Post-Office Inspector, Saint Louis, Mo.

POST-OFFICE, CENTRALIA, MARION COUNTY, ILL.,
October 27, 1884.

: Your communication of the 25th instant received. In reply would say: On day (23d), pursuant to proclamation of the mayor of this city, the business closed to celebrate and attend the county fair which was being held in this I also closed the post-office at 12.30 and opened at 4.30 p. m. At about ten s to four one of my clerks entered the office by the front door; on entering the oom or office part he first discovered the back window open, then on looking at le found it wide open, all the books, papers and small drawers in a heap at foot . Seeing the safe had been robbed he immediately notified the authorities. that time I arrived at the office. An entrance was effected by prying open ck window of the office with a large carpenter's chisel. This chisel they left them, was turned over to police; it was identified by the owner, and it was from his shop. The man who stole it broke a pane of glass in a window, d in with his left hand and took the chisel out of the rack which was close to ndow. In getting the chisel he cut his hand on the glass as it was on the sill ound. The position of the window is such that he must have used unlocked, nstance rendering the robbery of the office the work of but a few moments. ice to the postmaster, however, it should be stated that he made every effort in rer to capture the thieves, traveling in person to Chicago and then to Cairo, in leavors to secure their immediate arrest. But his exertions were not attended ny success and the criminals have by this time doubtless made good their

I CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2275.

HENRY AYRES.

r 5, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

GALLINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 536.]

: Committee on Claims, to whom was referred the bill (H. R. 536) for the elief of Henry Ayres, having examined the same, make the following report:

his is a bill to refund certain internal-revenue tax collected on deencies in the production of spirits. The Senate Committee on ance and the House Committee on Claims of the Forty-eighth Conss both reported favorably on the bill, with an amendment as proed by the Secretary of the Treasury. As said amendment is incorated in the present bill, your committee are of opinion that it should , and make recommendation accordingly.

TREASURY DEPARTMENT, *March* 6, 1884.

: In response to your letter of the 21st ultimo, inclosing bill (S. 530) for the re- Henry Ayres, I have the honor to transmit herewith a report of the Commis- of Internal Revenue, dated March 4, 1884, in which he states the facts and ts that the bill be amended by adding after the word "cents," in line 6, the ing:

: such part thereof as the said Ayres shall show to the satisfaction of the Comner of Internal Revenue was erroneously or illegally assessed or collected, or ollected on deficiencies in the production of spirits, which resulted from unable accidents or from misunderstanding of the requirements of the law or regua."

riew of the facts reported, unless the committee has before it satisfactory evi- that Mr. Ayres is equitably entitled to the refunding of the entire sum of 168, appropriated by the terms of the bill, I would recommend that it be amended riking out all after the word "cents," in line 6, and inserting in lieu thereof the -recited words.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

n. JUSTIN S. MORRILL,
Chairman Finance Committee, United States Senate.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, March 4, 1884.

SIR: I have the honor to return herewith the letter (unsigned) dated February 21, 1884, from the Finance Committee, United States Senate, addressed to you and by you referred to me for report.

The writer incloses a copy of Senate bill No. 530, for the relief of Henry Ayres, and asks that you cause the proper officer of your Department to examine the same and submit a report thereon, together with his recommendation.

You refer the letter and inclosures to me for investigation and report as to the legislation proposed.

Senate bill No. 530 proposes to direct and require the Secretary of the Treasury "to pay to Henry Ayres, of Evansville, Ind., the sum of $3,282.68 out of any sum not otherwise appropriated, on account of taxes unlawfully collected from him by James C. Veatch, collector of internal revenue for the first collection district of Indiana." So far as shown by the records and files of this office the facts are as follows: Henry Ayres was a distiller at Patoka, Ind., from March 1 to November 12, 1870, and prior thereto. He failed to produce 80 per cent. of the surveyed capacity of his distillery during each month from March to November, 1870, inclusive, except the month of August, and was assessed a tax of 50 cents per gallon upon the difference between his reported product and 80 per cent. of the producing capacity, as follows:

For March, 1870	$412 71
For April, 1870	99 85
For May, 1870	246 86
For June, 1870	356 48
For July, 1870	403 00
For September, 1870	171 48
For October, 1870	861 23
For November, 1870	731 07
Total	3,282 68

On the 8th of November, 1870, the distillery and other property belonging to Mr. Ayres was seized by the collector and subsequently sold, the proceeds of sale being applied to the payment of costs of distraint and sale, and to the payment of taxes due from Mr. Ayres, including $2,523.20 of the taxes above enumerated

On the 31st of January, 1871, Mr. Ayres prepared a claim for the refunding of $427.78, including $356.48 assessed as deficiency tax for June, 1870, and $71.30 assessed as barrel tax on 178.23 barrels of spirits.

In this claim there is no reason given for relief other than the statement that the deficiency resulted in part from the fact that he was compelled to use seven dry inches in his tubs when he was allowed but three, and in part from the fact that the weather was very warm and water was scarce. This claim was rejected May 4, 1871, for the reason that the assessment was in strict accordance with the survey, and was correct.

In December, 1882, Mr. Ayres forwarded other papers to this office relating to the fact that he had been assessed deficiency taxes aggregating $3,282.68, and asking, if this office could not grant relief, that the papers be turned over to Hon. William Heilman, M. C. As relief could not be granted, the papers were sent to Mr. Heilman, but copies thereof were retained by this office. Among the papers was a certificate from Collector Veatch that the deficiency taxes assessed against Mr. Ayres on lists from March to November, 1870, aggregating $3,282.68, had been collected; an affidavit of Dr. George W. Yates showing that Henry Ayres was sick from October 3 to November 11, 1870, and an affidavit of John T. Crisp, book-keeper for Henry Ayres, to the effect that in the absence of Ayres he had charge of the distillery, and that between March and November, 1870, there were frequent interruptions, preventing the distillery from yielding 80 per cent. of its surveyed capacity, and that such interruptions were caused by tubs bursting, machinery giving way, and boilers getting out of repair.

I can find nothing upon the records or files of this office to show that the $3,282.68 paid by Mr. Ayres as deficiency taxes for the months named, or any portion thereof, was "unlawfully collected," as stated in the bill.

It is fair to assume that a portion at least of the deficiency resulted from unavoidable accidents, and that relief, to some extent, might have been granted under the act of March 1, 1879, section 6, but for the fact that said act limited such relief to assessments made subsequent to December 31, 1873.

I am unable, from the papers on file in this office, to say how much, if any, of the deficiencies resulted from unavoidable accidents. It may be that the honorable Finance Committee has evidence before it bearing upon this point.

PRINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 7708.]

e Committee on Claims, to whom was referred House bill 7708, re-
fully report the bill with the recommendation that it do pass.
ppears from the papers transmitted to the committee by the At-
y-General that William P. Thorne, a lawyer, residing in Henry
ty, Kentucky, was employed to defend a civil action instituted in
ircuit court of Henry County against one A. J. Harrington, a dep-
Inited States marshal, and also a criminal indictment against Har-
on; that the services were able, successful, and reasonably worth
0; that they were rendered in the face of public odium, and at the
f personal popularity.
e case was: Harrington levied an execution, issued from the clerk's
of the Federal court against one Rowland H. Thomas, on a drove
ttle which was claimed by Cynthia Thomas; Cynthia Thomas sued
ington for trespass, and he was also indicted. Mr. Thorne success-
defended both actions, in one of which there were three trials and
nge of venue.
employment, his services, and their value are clearly established.
is claim was rejected by the Department, as was explained by
rney-General Brewster, in a letter of December 29, 1884, from which
sert this extract:

were not commissioned by the Department. There is no evidence that you took
th as special counsel. Sections 365 and 366 of the Revised Statutes require the
ission to issue the oath to be taken, and subsequently that the Department shall
that the appointment was made, the oath taken, and that the services per-
d would not have been performed by an officer of this Department or the dis-
ttorney. Without such certificate from the Attorney-General, the accounting
s of the Treasury will not state your account and consider it.
Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

make such proper legal defense for him as you think best, and I will see that the United States pays you for your services.

Mr. Harrington will be there in person and give you a full history of the case. From what he tells me I am apprehensive the stock sold by him was not liable for the debt.

But we desire you to make such defense as in your judgment will uphold the dignity and process of the court. A judgment against the United States marshal in your county, at this particular time, when they are being intimidated by a class of lawless people, would be prejudicial to the usefulness of this tribunal in Kentucky, and I enjoin it upon you to make a bold defense for him, and when you come to the city call and see Colonel Wharton, the United States attorney, who will take great pleasure in giving you such aid and counsel as you may require upon the point of a removal of the case from the State to United States court.

Sincerely,

BLAND BALLARD.

STATE OF KENTUCKY,
County of Jefferson, ss:

Personally appeared Eli H. Murray, ex-United States marshal of Kentucky, and Col. Thomas C. Burns, present marshal, and each say that from what we know of said cases against the deputy marshal, in the Henry circuit court, and the defense made for him, and towards upholding the dignity and process of the United States court by W. P. Thorne, his attorney, we believe a fee of $500 reasonable and just; we further say that such services were necessary and were all that the United States could have expected or wished, and rendered at a time when it was not safe for an officer of this court to go out into the country to attend any sort of official business.

ELI H. MURRAY,
Ex-United States Marshal of Kentucky.
THOMAS C. BURNS,
Marshal.

Sworn and subscribed to before me, this 19th day of December, 1879.

AUSTIN BALLARD,
Clerk United States Court.
By SAMUEL CRAILLE,
Deputy Clerk.

printed.

PERRY, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8595.]

Committee on War Claims, to whom the petition of William D. Wilson was referred, having considered the same, submit the following:

e proofs show that the United States Government, through its er officers, contracted with and did rent of William D. Wilson, of sburg, Miss., from February 1 to December 31, 1864, inclusive, for iod of eleven months, one two-story brick store on Washington t, in the city of Vicksburg, Miss., nine months of which time at a month and the remaining two months at $50 a month, amount- o $1,000; also one brick store in Vicksburg, Miss., used as a ware- e, for a period of four months, at $50 a month, from January 1, to April 30, inclusive, of the same year, amounting to $200.

uchers in duplicate were given to cover the entire period above d, those for the two story brick store being signed by William D. est, captain and assistant quartermaster, and those for the brick by R. B. Hatch, captain and assistant quartermaster.

e signatures to these vouchers have been compared by the Second itor of the Treasury with other signatures to vouchers on file in office, and they are believed to be genuine.

further appears by the finding of a military commission convened icksburg, Miss., November, 1863, for the condemnation of the prop- of disloyal citizens, "that the claimant (William D. Wilson) was ledly loyal. We therefore recommend that he be allowed to re- in possession and control of his property." The proceedings and ings of said commission were approved by the following indorse-

In the opinion of the proper officers, it would seem this property needed for military purposes, and was used as such.

Therefore, your committee, after careful examination of the claim fully satisfied that there is due and unpaid William D. Wilson, claimant, for rent of one two-story brick store, and brick store as a warehouse (both in the city of Vicksburg, Miss.), the sum of $1, and report the accompanying bill for his relief, and recommend passage.

DOUGHERTY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 3671.]

Committee on Claims, to whom was referred the bill (H. R. 3671) for the lief of B. S. James, have had the same under consideration, and submit e following report:

his claim was considered in the Forty-fifth Congress (H. R. 961) and rted by the Hon. Joseph J. Davis from the Committee on Claims. ort No. 373.)

fter careful examination, your committee find that report to contain he material facts and merits of the claim, and therefore adopt the e as their report, which is as follows:

1867 B. S. James became the lessee of the Laurens Railroad Company in the of South Carolina. In 1867 the Laurens Railroad Company (James being les- contracted, by Joseph Crews, its superintendent, to carry the United States on route 5610 for $1,200 per annum. In 1869, Crews having been discharged the superintendency, a controversy arose in regard to the rolling-stock of the which resulted in litigation, and the Auditor of the Treasury for the Post-Office rtment, by a letter dated August 19, 1869, informed the claimant that Joseph s having written to the Department "that H. R. Scott was the owner of the g-stock of the Laurens Railroad, and that he (Crews) was his agent, the account e railroad company cannot be settled until this difference is adjusted between

e decision of the court was in favor of claimant, but in the mean time the unex- d balance of the appropriation for the postal year in which the service was ren- l was covered into the Treasury. The statement of the account furnished by the Office Department shows a balance due for mail service on that route to Sep- er 30, 1870, to the amount of $408.03. The present bill provides that the claim- e paid such sum or sums as, upon reference to the proper accounting officers of reasury, shall be found to be justly due and payable to him for transportation of over said route between the 1st of January, 1869, and September 30, 1870.

our committee report back the accompanying bill and recommend

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2279.

BEAUFORT LEE AND OTHERS.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

DOUGHERTY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8596.]

: Committee on Claims have had under consideration the petition aufort Lee and others, and report the accompanying bill, and rec- ınd its passage, for the following reasons:

l petitioners appear to have been laborers employed by the Forty- Congress, and to have been paid only $1 per day for their services, the usual rate of compensation was $2 per day. Your committee these men ought to receive the usual compensation for such serv- riz, $2 per day during the time indicated in the following state- :

[Forty-fifth Congress, recess between March 4 and December 4, 1877.]

rt Lee worked 180 days, at $2	$360
ed, at $1 per day	180
Due	180
ıder Thomas worked 260 days, at $2	520
ed, at $1 per day	260
Due	260
Hall worked 260 days, at $2	520
ed, at $1 per day	260
Due	260
s Carter worked 260 days, at $2	520
ed, at $1 per day	260
Due	260

liscussion was had touching the employment of these men in the e of Representatives at the time they were allowed the $1 per day, is to be found on pages 246, 247 of the Congressional Record, sec- ssion Forty-fifth Congress, under date of December 15, 1877.

O

I CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2280.

HENRY NEAL.

5, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

DOUGHERTY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8597.]

he committee having had under consideration the petition of Henry l, report the accompanying bill, and recommend its passage.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2281.

ALCOHOLIC LIQUOR TRAFFIC.

MAY 1, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FREDERICK, from the Select Committee on Alcoholic Liquor Traffic, submitted the following

ADVERSE REPORT:

[To accompany bill S. 182.]

The Select Committee on Alcoholic Liquor Traffic, to whom was referred the bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic, having had the same under consideration, report it back to the House with the recommendation that it do lie upon the table.

O

COMMISSION ON THE ALCOHOLIC LIQUOR TRAFFIC.

MAY 11, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PRICE, from the Select Committee on the Alcoholic Liquor Traffic, submitted the following as the

VIEWS OF THE MINORITY:

[To accompany bill S. 182.]

A minority of the committee to whom was referred Senate bill No. 182, "providing for the appointment of a commission on the subject of the alcoholic liquor traffic," having duly considered the same in all its provisions, submit this report, with a recommendation that the bill should become a law.

Your committee reach this conclusion and make this recommendation—

(1) Because it is in accordance with the express wishes of a very large, intelligent, and influential number of the taxpayers of the United States, of all parties, sections, and creeds.

(2) Because no evil can possibly result from the passage of such a law, and it may possibly result in much good.

(3) Because it is charged by very many people that the liquor traffic is productive of much suffering and crime, and is destructive of the best interests, moral, mental, and physical, of the people; while, on the other hand, all these charges are as positively denied by another large class of our citizens.

(4) Because the object and the only object of this bill is to have the subject thoroughly investigated, and the facts thus ascertained reported to the President, and by him transmitted to Congress for such action as these facts thus ascertained may require.

(5) Because this commission belonging one-half to each political party, and "selected solely with reference to personal fitness and capacity for honest, impartial, and thorough investigation," may be expected to give the actual facts with an impartiality and clearness that will be convincing and conclusive.

(6) Because the interests of the laboring class are largely involved, and therefore demand consideration, as to whether this traffic is beneficial or otherwise to this class of our people.

(7) Because this commission being compelled to serve without pay, and holding no office other than this appointment, may be expected to give to this work their undivided attention, for the sole purpose, and the single object in view, of subserving the best interests of all classes, all parties, and all conditions of people.

In conclusion, your committee are of the opinion that the passage of this bill is not only advisable, but is an absolute necessity, because it

has been claimed by wise and good people of all civilized countr all ages, that the evils of the liquor traffic have been enormous, multitudes hold to a different opinion on this subject, both claim be right. Your committee do not conceive it to be within the sc their duties in this report to argue this question pro or con, but s to provide for obtaining the facts, based upon undoubted evid which it is believed can be had from an honest, non-partisan, non- cal, impartial commission, such as is provided for in this bill. I facts reported by this commission show the liquor traffic to be inju to the moral, physical, and financial good of the people, the law step in to abate the evils and correct the wrongs. But if, on the trary, the testimony establishes the fact that the liquor traffic is ficial in its results, then those who are called temperance fanatics abide the result, and this vexed question will be settled.

WM. T. PRICE.
JAS. G. LINDSL
J. B. EVERHAR

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2282.

COMMISSIONS ON TAXES COLLECTED ON DISTILLED SPIRITS.

MAY 5, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MORRISON, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 8598.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 8579) to so further amend section 3314 of the Revised Statutes as amended as to strike out and repeal so much thereof as allows to collectors of internal revenue commissions on taxes collected on distilled spirits, respectfully report:

That by existing law, as recently construed by the Court of Claims and affirmed by Supreme Court, collectors of internal revenue are entitled to commissions in addition to the amount of salary fixed by law. The purpose of the bill is to so amend the law as to prohibit the allowance of such commissions.

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CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2283.

CATHERINE DOYLE.

MAY 5, 1886.—Laid on the table and ordered to be printed.

:. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1367.]

The Committee on Invalid Pensions, to whom was referred the bill . 1367, respectfully report that they have examined this claim for in- ease carefully. They attach hereto the printed report of the Senate ommittee on Pensions, which fully represents the facts of the case. nt they fail to see anything in this case which entitles it to a larger nsion than is granted to other widows. She is now an inmate of the 'ashington Asylum, and the amount now allowed to widows will be ply sufficient to provide her with such delicacies as her situation re- ires.

There is nothing in this widow's claim differing from many others of same character.

'our committee, therefore, cannot make an exception in her favor, recommend that the bill lie on the table.

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claimant is Catherine Doyle, widow of Michael Doyle, late a private of Com- B, First District of Columbia Cavalry. The soldier was pensioned until his , and his widow was then placed on the roll at $8 per month. She is now en- without friends or relatives, and inmate of an almshouse in this District, and y blind. The following petition explains the reasons upon which the increase s case is asked:

WASHINGTON ASYLUM,
Washington, D. C., January 28, 1886.

honorable Congress of the United States:

r petitioner, Catherine Doyle, widow of Michael Doyle, late of Company B, First ent of District Columbia Cavalry, would respectfully apply to your honorable for an increase of pension, upon the following grounds:

husband, Michael Doyle, while in the line of his duty in the company and reg- aforesaid, in front of Petersburg, Va., was, on the 16th day of September, 1864 a prisoner of war by the enemy. He was carried by them to Salisbury, N. C., he was kept until the general release in March, 1865. When released, his , owing to the hardships and sufferings which he had endured, was completely a down, and his constitution enfeebled. In consequence of these hardships and ngs, he finally died at the Soldiers' Home, at Dayton, Ohio, in July, 1879. h very anxious to do so, my poverty and necessity have prevented me from g even the most humble tribute of respect over his remains.

r petitioner has received a pension of $8 per month since his death. Had he glected to apply personally for a pension during his life, I might, as I am as- have obtained a pension dating back to the close of the war.

nly surviving relation, a brother, John Sheehan, of Company B, Fourth United Art llery, was killed by a shell at the battle of Gettysburg, July 3, 1863, while as orderly to General John Gibbon, whose certificate to the fact is now on file y other papers in the Pension Office.

now totally blind, and am suffering from a complication of diseases, caused in degree by caring for my husband in his weak and enfeebled condition, and by or the loss of my brother and at the many evils which the war had brought

upon me and my family. My five children are all dead, and I, in my advanced age, am left helpless and homeless in the world. My pension is inadequate to my support, and the nature of my infirmities requires better nutriment and attendance than are procurable at any charitable institution, however good and well managed. I therefore appeal to your honorable body for sufficient additional aid to enable me to live outside of the almshouse.

In view of the fact that I have lost all who were near to me and were bound by natural ties to protect and comfort me in my old age, that my husband and brother both laid down their lives in the service of their country, and that my blindness is in great part due to grief at their loss, I trust that you may be induced to look favorably upon this humble petition of a poor widow and assist to cheer her declining years by granting her a sufficient addition to the small pittance which she now receives to enable her to secure some, at least, of the necessaries and comforts which are so essential to her in her present infirm condition, and which, in all human probability she can live but a few years longer to enjoy.

Very respectfully,

CATHERINE + DOYLE.
her mark.

Sworn to and subscribed before me this 29th day of January, 1886.
[SEAL.] WILLIAM TINDALL,
Notary Public.

The following certificates have also been filed with the committee:

WASHINGTON ASYLUM,
Washington, D. C., January 25, 1886.

This is to certify that Mrs. Catherine Doyle, now an inmate of this institution, totally blind, is suffering from, and has been under medical treatment for, chronic bronchitis and enlargement of the liver, and that she is incapable of earning a livelihood by manual labor.

THOS. I. CHEW, M. D.,
Visiting Physician, W. A.

Subscribed and sworn to before me this 25th day of January, 1886.
[SEAL.] JAS. A. TAIT,
Notary Public.

WASHINGTON ASYLUM,
Washington, D. C., January 25, 1886.

This is to certify that Mrs. Catherine Doyle is now an inmate of this institution, one of the public charities of the District of Columbia, having been admitted thereto as an indigent and infirm person July 31, 1880, by order of the proper authorities of said district.

W. H. STOUTENBURGH,
Intendant, Washington Asylum.

Sworn to and subscribed before me this 25th day of January, 1866.
[SEAL.] WILLIAM TINDALL,
Notary Public.

WASHINGTON ASYLUM,
Washington, D. C., January 26, 1886.

DEAR SIR: I have known Mrs. Catherine Doyle for the past five years. I believe her to be an honest, true-hearted, worthy woman, deserving of a better fate than to be cared for and end her days in an almshouse. Left alone in her destitution, and under her great affliction of blindness, she seems to me to be a peculiar and fit subject, worthy of all the comforts a government can bestow upon her (in equity) for her few remaining years. I should rejoice to see her receive an increase of pension sufficient for her comfortable support.

Very truly and respectfully, yours, &c.,

W. H. STOUTENBURGH,
Intendant, W. A.

Senator JOHN I. MITCHELL,
Chairman of Committee on Pensions.

In view of all these facts, your committee report back the bill, and recommend that do pass with an amendment, as follows: Strike out the word "fifty," in the eighth and insert the word "forty."

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2284.

ANTON EBERLEIN.

MAY 5, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6472.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6472) granting a pension to Anton Eberlein, respectfully report:

Anton Eberlein enlisted in Company C or K, Sixty-eighth Regiment New York Volunteers, August 18, 1861, and was discharged December 28, 1861. He states as the basis of his claim—

The diseases contracted in line of his duty exist in chronic rheumatism, commencing about on the 8th day of November, 1861, in the camp at Hunter's Chapel, caused by doing duties in rain and cold weather, less clothing, and damp ground. This disease made the first appearance on the left side of the breast near the heart, and then it went over the whole body; that at Hunter's Chapel, Va., October 15, 1861, he felt the first symptoms of heart disease, the result of extreme exposure.

The Pension Bureau rejected his claim on the record, which shows that the soldier's present disability had its origin prior to his enlistment.

The president and secretary of the Cigarmakers' Sick and Relief Society, Baltimore, Md., testify October, 1885—

That claimant has been a member of said society for thirty years; that at the time he joined he was an able, strong, and healthy man; that after his return from the service he was frequently sick and received the accustomed weekly sick-money.

Surgeon Louis Schultze, October, 1885, testifies:

That claimant was suffering from heart disease during December, 1861; was treated in hospital, near Hunter's Chapel, Va., and discharged the same month on account of physical disability.

Soldier's certificate of discharge states:

I certify that I have carefully examined the said Anton Eberlein, of Captain Siebeichen's company, and find him incapable of performing the duties of a soldier because of chronic rheumatism (existed prior to enlistment).

The certificate is signed by Surgeon Louis Schultze, dated December 28, 1861, and approved by the acting division surgeon.

October 14, 1885, the board of examining surgeons for National Soldiers' Home examined claimant, and reported that the examination reveals the following facts:

Heart: area of heart fullness increased, extending 3½ inches below nipple. Action very irregular; frequently one or two beats are very violent. A loud blowing, long systolic murmur is heard at apex, and along from ensiform cartilage to lower border of axilla; heard also at base and at any point over the heart. On ascending a flight of stairs the action of the heart becomes more markedly irregular, the breathing labored, and the pulse 108, with frequent intermissions. He is, in our opinion, entitled to a total rating for the disability caused by disease of heart.

This claimant's service was of the briefest, beginning in August a ending in December of 1861, at which time he was discharged accordi to surgeon's certificate because he was incapable of performing the ties of a soldier on account of chronic rheumatism (existed prior to listment).

This is one of the cases the frequent occurrence of which almost duces your committee to think that "all the ills and ailments to wh flesh is heir" are by some people referred to service in the Army. T man was scarcely there before he was discharged for disability, a now after the lapse of so many years he claims a pension. The rej tion of this claim by the Pension Office was entirely correct, and if th was any way of reaching these frivolous and almost fraudulent claims pensions this committee would be glad to see it adopted.

They unhesitatingly report adversely, and recommend that the l lie on the table.

'H CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2285.

MRS. ANNIE EVANS.

MAY 5, 1886.—Laid on the table and ordered to be printed.

r. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3634.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 3634) granting a pension to Mrs. Annie Evans, respectfully report:

Your committee find that Mrs. Annie Evans is the widow of Richard ans, deceased, late of Company K, One hundred and forty-second giment of Pennsylvania Volunteers. Soldier drew a pension of $2 r month up to the time of his death. There is no evidence of his dow having applied to the Pension Bureau for a pension, and of course evidence before this committee that claimant's husband died from in- ies received in the service.

Your committee are of the opinion that she should apply to the De- rtment before asking Congress for relief; they therefore report ad- rsely and ask that the bill do lie on the table.

O

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5419.]

Committee on Invalid Pensions to whom was referred the bill (H. R. 5419) granting a pension to B. F. Taylor, respectfully report:

ev. Benjamin F. Taylor was for a while acting chaplain of the Fifty-
ıth Regiment Pennsylvania Volunteers, at the request of Lieutenant-
onel Martin, but never was regularly commissioned.
he Pension Office refused his application for pension because he was
borne on the rolls of the Fifty eighth Pennsylvania Volunteers and
er was mustered into the service. The evidence as to claimant's
sent condition is conclusive, and shows that he is entitled to a three-
rth rating for rupture.
laimant alleges that on or about April, 1864, at Little Washington,
C., he was ruptured while lifting trunks on board the transports.
re is no evidence on file as to his prior soundness or incurrence of
bility, even were he regularly enlisted in the service.
his claimant seems to have served a term as chaplain, but claims to
been ruptured whilst officiating as porter. The evidence is mea-
as to all the facts of prior soundness, enlistment as chaplain, and
incurrence of the injury.
our committee therefore report adversely, and ask that the bill lie
e table.

O

printed.

IISCOCK, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 8188.]

e Committee on Ways and Means, to whom was referred House bill , to admit free of duty a certain lecturn for the use of the Saint 's Episcopal church, in the parish of Kalamazoo, Mich., report the back to the House, with a recommendation that the same do pass. e case is this: Mrs. H. A. Hurd, wife of a former rector of Saint 's church, Kalamazoo, Mich., wishes to present a brass lecturn or e desk to the church, as a memorial of her late husband. She is , but has accumulated a respectable sum, and understanding that hurch goods were admitted free of duty at the custom-house, she red a lecturn from a London house. This was done with the view aking her savings, $225, go as far as possible towards procuring a by memorial of her husband. She now learns that under recent gs lecturns are classed as furniture, and so do not get the immunity urch decorations, and Mrs. Hurd will be charged 45 per cent. duty. she will be entirely unable to pay. The lecturn is of the value of $225.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2288.

ENTRY OF DISTILLED SPIRITS IN DISTILLERY AND SPECIAL BONDED WAREHOUSES.

MAY 5, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HARRIS, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 7140.]

The Committee on Ways and Means, to which was referred the bill (H. R. 7140) to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses, and the withdrawal of the same, and for payment of tax thereon, reports that the committee has had said bill under consideration and finds that the Commissioner of Internal Revenue, in his report for the fiscal year ending June 30, 1885, expressed the opinion that spirits should be allowed to remain in distillery warehouses under certain restrictions, which appear to be covered by this bill, until they are actually demanded for consumption; also, that the law which fixes any other date is a disturbing element in the business of the producer. As a matter of fact the actual demand for the consumption of spirits causes the greater portion of them to be withdrawn from distillery warehouses before they have remained in such warehouses one year, and such would, of course, continue to be the case, even if this bill be enacted into law.

There are, however, many distillers, mostly in the States of Kentucky, Maryland, Pennsylvania, and Tennessee, who produce what are usually known as "bourbon or rye whiskies." These spirits are improved by age. The older the spirit the better price it appears to bring in the market. In order to meet the requirements of trade in this class of spirits subject to internal-revenue tax, on March 28, 1878, the time in which spirits might remain in bonded warehouses was extended to three years by a joint resolution of Congress.

And the experience of the past three years has demonstrated the fact that the demands of consumers have not been such as to enable the distillers of these classes of spirits to withdraw their entire stock upon payment of tax within the three years, and, as a result, there are now about ten million gallons held on storage in foreign countries, to which they have been exported, under section 3330 of the Revised Statutes of the United States, and the act of June 9, 1874, page 64.

These spirits are being returned to the United States from time to time as actually demanded for consumption, so that the end sought to be obtained by the passage of this bill is actually realized by the distillers, with, however, considerable increased expense in the matter of transportation to and from the foreign country, and for storage in the

foreign country. This entire outlay, which is of course borne by citi zens of the United States, inures to the benefit of citizens of foreig countries, as the warehouses are located in foreign countries, and it i lamentably true that at this time almost the entire ocean carrying trad is in the hands of foreigners. Whilst it may be a question as to whethe or not it is sound public policy to increase the cost of whisky to the cor sumer, your committee feel that there can be no question as to whethe the additional expense of storage should inure to the benefit of citizer of the United States or to those of foreign countries.

Experience has taught that success in the administration of an i ternal-revenue law depends largely upon the ability of the tax-payer 1 meet his obligations, and frauds are most numerous when tax-paye are driven to desperation through inability to meet their obligations the United States; hence the great importance of so framing these lav as not to press the producer for the tax at any other time than that which he is naturally able to pay through the demand for consumptio for in the end there will be no revenue received by the Governme other than that obtained from the article which is consumed.

Internal-revenue laws governing the collection of the tax on articl other than distilled spirits, provide that the tax shall be due at the ti the article is withdrawn from the manufactory for consumption or sa The passage of this bill would secure that surveillance of distill spirits which past experience has shown to be necessary. It also h the merit of extending to this class of articles, subject to internal-re enue tax, the principle which governs all other cases.

It is the opinion of your committee that the passage of this bill wou be beneficial to the Government, first, by securing to its own citize the money now paid by them to the citizens of other countries for tl ocean transportation and foreign storage of quite a large quantity domestic distilled spirits; secondly, by lessening the number of fraud without increasing the expense of collecting the revenue, and cons quently in the end increasing the receipts. And your committee woul add that in other countries, as in Great Britain, where spirits are hel on deposit in warehouses, the tax or duty is not required to be pai until the spirits are withdrawn for consumption or sale.

Your committee therefore report said bill back to the House of Re res entatives and recommend its passage.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2289.

WOMAN SUFFRAGE.

MAY 6, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. J. W. STEWART, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany H. Res. 109.]

The Committee on the Judiciary, to which was referred House Resolution No. 109, begs leave to report:

This question was referred to the Committee on the Judiciary of the Forty-eighth Congress, and the report thereon was unfavorable.

Your committee refers to the report then made, and contents itself with recommending that the resolution aforesaid do lie on the table.

VIEWS OF THE MINORITY.

This resolution submits to the legislatures of the several States a proposed amendment to the Constitution of the United States, providing for woman suffrage.

The Committee on the Judiciary, to whom it was referred, after a respectful hearing given its advocates, and after grave consideration of the measure, have reported it adversely without "note or comment," giving neither reason nor attempting argument in support of their conclusion.

The importance of the question of woman suffrage is forcing its full discussion everywhere, and the silence of the committee will have no tendency to withdraw it from public attention.

The fact that its friends comprise many of the earnest, intelligent, and good women and men of the country, in the opinion of the undersigned, calls for a statement of the reasons why their prayers are denied.

We fear that the omission to state such reasons will be by some construed as a discourtesy to the women who appeared before the committee, while others may infer that the majority of that committee had more confidence in the wisdom of their conclusion than they had in the soundness of the reasoning which brought them to it.

The undersigned fully believe such inference and construction unfounded, but profoundly regret the silence of the majority.

Dissenting from the conclusion of the majority, we believe it to be our duty to give, briefly, the reasons for our dissent.

In a Government by the people the ballot is at once a badge of sov ereignty and the means of exercising power. We need not for our pres ent purpose define the right to vote, nor inquire whence it comes Whether it is a natural or political right, one arising from social rela tions and duties, or yet whether it may be a necessity incidental to in dividual protection and communal welfare, is immaterial to the discus sion. Let the advocates of man's right to participate in governmenta affairs choose their own ground and we will be content. The voting franchise exists, and it exists because it has been seized by force, o because of some right antedating its sanction by law. Nativity does no confer it, because aliens exercise it; it does not arise from taxation, fo many are taxed who cannot vote, and many vote who are not taxed Ability to bear arms is not the test of the voting franchise, as many legally vote who were never able to bear arms, and others who have be come unable to do so by reason of sickness, accident, or age; nor doe education mark the line, for the learned and the illiterate meet at th ballot-box.

With us a portion of the adult population have assumed to exercis the right, admitted to exist somewhere, of governing, and have forced another portion into the position of the governed. That this assump tion is just and wise is averred by some and denied by others. If we call upon these rulers for a copy of their commission they will present one written by themselves.

Children, idiots, and convicted felons properly belong to the governed and not to the governing class, as they are intellectually or morally unfi to govern. Necessity only places them there; necessity is an absolut monarch, and will be everywhere obeyed. To this governed class ha been added woman, and we beg the House and the country to inqui "why." They are also "people," and we submit that they are neithe moral nor intellectual incapables, and no necessity for their disfranchis ment can be suggested; on the contrary, we believe that they are no entitled to immediate, sure, and absolute enfranchisement.

First. Because their own good demands it. Give woman the ball and she will have additional means and inducements to a broader an better education, including a knowledge of affairs, which she will no fail to avail herself of to the uttermost; give her the ballot and you add to her means of protection to her person and estate.

The ballot is a powerful weapon of defense, so rely needed by one too weak to wield any other, and to take it from such to give to one already clothed in strength and fully armed, would appear to be unjust, unfair, and unwise, to one unaccustomed to the sight. Long usage "sanctions and sanctifies" wrongs and abuses, and causes cruelty to be mistaken for kindness.

The history of woman is, for the most part, a history of wrong and outrage. Created the equal companion of man, she early became his slave, and still is in most parts of the world. In many so-called Christian nations of Europe she is to-day yoked with beasts, and is doing the labor of beasts, while her son and husband are serving in the army, protecting the divine right of kings and men to slay and destroy. In the farther East she is still more degraded, being substantially excluded from the world.

Man has not been consciously unjust to woman in the past, nor is he now; but he believes that she is in her true sphere, not realizing that he has fixed her sphere, and not God, as he imagines. This is as true of the barbarian as of the Christian, and no more so. If the "unmarriable Turk" should be solicited to open the doors of his harem

t the inmates become free and human, he would be indignant, ess, and would swear by the beard of the Prophet that he never so degrade lovely woman, who, in her sphere, was intended to solace of glorious, superior man.

as man advances, woman is elevated, and her elevation in turn es him. No liberty ever given her has been lost or abused or ed. Where most has been given her she has become best. y never degrades her; slavery always does.

her good, therefore, she needs the ballot.

nd. Woman's vote is needed for the good of others. Our horizon y with at least apparent, dangers. Woman may aid in dispel- em. She is an enemy of foreign war or domestic turmoil; she is d of peace and home. Her influence for good in many directions be multiplied if she possessed the ballot. She desires the homes land to be pure and sober; with her help they may become so. ut her what is the prospect in this regard? Under the wise and lministration of man well may the cry go out, "Watchman, tell he night; what its signs of promise are!"

do not invite woman into the "dirty pool of politics," nor does she l to enter that pool. Politics is not necessarily unclean; if it is n she is not chargeable with the great crime, for crime it is. Poli- ust be purified or we are lost. To govern this great nation wisely ell is not degrading service; to do it, all the wisdom, ability, and tism of all the people is required. No great moral force should employed.

it is sometimes said that women do not desire the ballot. Some ot; very many do not; perhaps a majority. Such indifference t affect the right of those who are not indifferent. Some men, e or other insufficient reason, decline to vote; but no statesman et urged general disfranchisement on that account.

ay be true, and in our judgment is, that those individuals who l to appreciate the rights and obligations of freemen as to delib- y refuse to vote should be disfranchised and made aliens, but offense should not be visited on vigilant and patriotic citizens. er male nor female suffragists can be forced to use the ballot, and individuals of each class may fail to appreciate the privilege or ize the duty the franchise confers, in the main it will result other-

conservative woman who feels that her present duties are as bur- ne as she can bear, when she realizes what she can accomplish r country and for mankind by the ballot, will as reverently thank r the opportunity and will as zealously discharge her new obli- s as will her more radical sister who has long and wearily labored rvently prayed for the coming of the day of equality of rights, du- nd hopes.

E. B. TAYLOR.
W. P. HEPBURN.
L. B. CASWELL.

ncur in the opinion of the minority that the resolution ought to pted.

A. A. RANNEY.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2290.

ADDITIONAL CIRCUIT JUDGE, SECOND JUDICIAL CIRCUIT.

MAY 6, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COLLINS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 8599.]

The Committee on the Judiciary, to whom was referred the letter of the Secretary of the Treasury, in answer to a resolution of the House of Representatives in regard to suits against collectors of customs pending in the southern district of New York, with accompanying correspondence (Ex. Doc. No. 148, Forty-ninth Congress, first session), respectfully submit the following report:

In a letter of March 23, 1886, to the Speaker of the House of Representatives, the Secretary of the Treasury suggested the immediate enactment of a law authorizing the appointment of an additional circuit judge in and for the second judicial circuit.

This recommendation was accompanied with statements from officers of the United States which show that the present judicial force in this circuit is entirely inadequate to dispose of the business coming before the courts.

A concise statement of the facts will demonstrate the necessity of the legislation recommended by the Secretary of the Treasury in this regard.

Of the 29,308 suits pending in all the United States courts on the 1st day of July last in which the United States was not a party, 12,810, or about 44 per cent., were pending in the second judicial circuit. Of the 3,805 suits in which the United States was a party, pending, terminated, and appealed in all the United States courts during the same time, 879, or about 23 per cent., were pending, terminated, and appealed in the second judicial circuit.

Of the suits against collectors of customs of which the United States circuit court only has jurisdiction, about 2,300 are now pending in the second judicial circuit which were brought prior to December, 1885, to recover $11,519,258.69 claimed to have been illegally exacted by the collectors of customs as duties on imported goods, designated by the Secretary of the Treasury as "old suits."

Of the 825 suits brought against collectors of customs during the year ending June 30, 1885, in the courts of the United States, 645, or about 75 per cent., were brought in the second judicial circuit, in which $5,466,020 was claimed as illegal exactions of duties on imported goods.

Of the 768 suits reported by the United States attorneys as brought against collectors of customs in all United States courts since January 1, 1886, 716 were brought in the second judicial circuit.

While this large number of collectors' suits are thus being continually brought in this circuit, a report of the clerk of the circuit court made November 17, 1885, and accompanying the Secretary's letter, conclusively shows the inadequacy of the judicial force in this circuit. In this letter it appears that from April, 1882, to April, 1885, the circuit court could allow for the trial of collectors' suits but 105 days, during which time it was only possible to try 58.

The committee, recognizing the urgent need of an additional judge and more frequent terms of the circuit court in the second circuit, report the accompanying bill and recommend its passage.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2291.

ORDNANCE ACCOUNT WITH THE TERRITORY OF DAKOTA.

MAY 6, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CUTCHEON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 8030.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores, &c., submit the following report:

The committee attach hereto the letter of the Secretary of War with the accompanying report of the Chief of Ordnance, in the recommendations of which the committee fully concur.

The committee have amended the bill to correspond with the suggestion of the Secretary of War, and recommend that as so amended the bill do pass.

WAR DEPARTMENT,
Washington City, May 1, 1886.

SIR: I have the honor to acknowledge the receipt of your communication without date inclosing House bill No. 1830, Forty-ninth Congress, first session, authorizing the Secretary of War to credit the Territory of Dakota with the sum of $38,625 for ordnance and ordnance stores issued to said Territory in 1867.

In reply I beg to inclose herewith a copy of a report of the Chief of Ordnance, under date of the 28th ultimo, upon this subject. From this report it will be seen that only the sum of $27,650 is charged against Dakota for arms and ammunition issued to that Territory for defense against hostile Indians under the act of April 7, 1866, which act also provided that the value of the stores should be charged against the quota of that Territory under the law for the arming of the militia. It appears further from this report that in 1872 Congress authorized the issue of arms and ammunition to Montana for defense against Indian raids, but in that case it was not directed that the value of these arms should be charged against the Territory's quota. The Chief of Ordnance states that as the issue of arms to Dakota and Montana were for similar purposes, both of these Territories should be placed upon the same footing, and he therefore recommends the passage of the present bill so amended that the Territory of Dakota shall be relieved from the charge of $27,650, the value of the stores issued to it under the act of April 7, 1886.

I concur in the recommendation of the Chief of Ordnance.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. E. S. BRAGG,
Chairman Committee on Military Affairs, House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., April 28, 1886.

SIR: I have the honor to return H. R. 8030, referred to the Secretary of War by indorsement of the Hon. E. S. Bragg, chairman Committee on Military Affairs, "for the facts in the case and the views of the Department," and to report—

The books of this office show a charge of only $27,650 against Dakota for one thousand arms and ammunition issued to that Territory for defense against hostile Indians under the act of April 7, 1866, which also provided that the value of the stores should be charged against the quota due or to become due to the Territory under the law for arming the militia.

In 1872 Congress, by the act of May 21, 1872, authorized the issue of one thousand arms with ammunition to the Territory of Montana for distribution among the settlers for defense against Indian raids, but did not in this case direct that their value should be charged against the Territory's quota on the books of this office.

As the issues made to Dakota and Montana under the above acts of Congress were for similar purposes, their defense against hostile Indians, both Territories should in justice be placed on the same footing. As the issue to Montana was without charge, I recommend that Dakota be relieved from the charge of $27,650, being the value of the stores issued to it under the act of April 7, 1866.

There is no charge on the books of this office against the then governor of the Territory of Dakota.

I respectfully recommend that H. R. 8030 be so amended, and that it become a law.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2292.

STATE OF MICHIGAN.

MAY 6, 1886.—Laid on the table and ordered to be printed.

Mr. LANDES, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 4049.]

The Committee on the Public Lands, having had under consideration House bill 4049, find that there are due the State of Michigan now, under the grant of September 4, 1841, 325.07 acres of land. That the State is authorized under existing law to make selections within her limits of any public land not legally reserved from sale in any quantity not less than 320 acres in one selection.

It further appears that there are large bodies of public land in the State, and that it is quite practicable to obtain a tract at one selection approximating the amount due the State.

Your committee concur in the opinion of the Commissioner of the General Land Office, as expressed in the letter attached, that the bill should not be enacted into law.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 14, 1886.

SIR: On the 5th instant the Hon. Silas Z. Landes, of the Committee on the Public Lands, House of Representatives, requested me to inform him what quantity of land is due the State of Michigan under the internal-improvement grant, and whether there exists any objection to the passage of House bill 4049, in the following language:

"That the State of Michigan be authorized to select, in the smallest legal subdivisions, the remainder of lands due said State under existing laws for internal improvements."

By the act of September 4, 1841 (sections 2378 and 2379, United States Revised Statutes), the quantity of 500,000 acres was granted to the State for internal improvement, to be selected within her limits, "in parcels conformable to sectional divisions and subdivisions of not less than 320 acres in any one location on any public land not reserved from sale by law of Congress or by proclamation of the President."

It appears by the records of this office that of the half million of acres granted to the State of Michigan under the act of September 4, 1841, the State has realized by approved selections all but 325.07 acres. It is not manifest to me, in order that the State may acquire this nominal residue, that special legislation by Congress is necessary. This small deficit may be satisfied under the existing law by one selection, and it is quite practicable to do so, as there are many large bodies of public lands in the State, and the small amount yet due might be satisfied by one selection of a tract approximating the number of acres of the deficit.

In making grants to States for internal improvements it has been the time-honored policy of Congress to provide against selections thereunder of small isolated tracts. The legislation proposed is not in line with that policy, and no exceptional circumstances are presented to make a departure therefrom advisable, and I am therefore of opinion that the bill should not be enacted into a law.

The bill and a copy of the letter from Mr. Landes are herewith inclosed.

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2293.

LANDS TO TERRITORY OF WYOMING.

MAY 6, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. VAN EATON, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 6631.]

The Committee on the Public Lands, to whom was referred House bill 6631, beg leave to submit the following report:

The bill proposes to grant to the Territory of Wyoming lands to the amount of 1,280 acres, for the purpose of enabling the said Territory to maintain thereon a fish hatchery, university, and other public institutions. The said lands are to be selected from the lands embraced in the Fort Sanders military reservation in said Territory, when the public surveys shall have been extended through the said reservation.

The Fort Sanders military reservation is no longer used for military purposes, and has been turned over to the Interior Department to be surveyed and disposed of under the provisions of the act of Congress of July 5, 1884. These lands are of no great value, as the Union Pacific Railway Company have disposed of like quality of lands and adjoining lands within the past year at $1 per acre.

The Territory of Wyoming during the past three years has maintained a fish hatchery on said reservation and has made considerable progress in stocking the streams of the Territory with fish. They have constructed buildings for this purpose at a cost of $5,000, and the legislature of the Territory has recently made appropriations to continue this work to the amount of $7,000.

The Territory of Wyoming has also made provision for the erection of a university building at or near Laramie City to cost $40,000, and it is the intention of the Territorial authorities to select a suitable site for said university under the provisions of this bill, if the same should become a law.

The bill is well guarded, as it does not permit the lands to be used for any purpose except those contemplated by the act. It protects the rights of any settlers who may be upon the said reservation under any law of Congress. We therefore recommend that the bill do pass.

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2294.

TER ROUTE TO CONNECT LAKE MICHIGAN WITH THE DETROIT RIVER.

, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

ATKINSON, from the Committee on Railways and Canals, submitted the following

REPORT:

[To accompany bill H. R. 4971.]

Committee on Railways and Canals, to whom was referred the bill (H. 4971) to provide for the survey of a water-route to connect the waters Lake Michigan with Detroit River, have considered the matter, and leave to report:

it a bill of similar import was introduced into the Forty-seventh orty-eighth Congresses, and referred to the Committee on Railways Canals, which considered the same and reported favorably thereon; he Committee on Railways and Canals now report the bill favor- nd adopt the report presented to the Forty-seventh Congress, as s:

mittee on Railways and Canals, to whom was referred the bill (H. R. 3693) to pro- for the survey of a water-route to connect the waters of Lake Michigan with Detroit , have considered the matter, and beg leave to report:

length of the canal, for which the bill before the committee proposes to author- l direct an appropriation of $30,000, to be expended under the direction of the ary of War for a preliminary survey, would be about 178 miles. The canal shorten the voyage, for all such vessels as could navigate it, between the lower orts and Chicago or Milwaukee, about 550 miles; or, as between Chicago and , by one-half the distance.

believed that the season of navigation on the lakes would also be prolonged, ween the upper and lower lakes, by at least thirty days, a portion of which uld be in the spring and a portion in the autumn or early winter months, and be a gain of at least 15 per cent. on the open period of navigation.

ould further appear that as to steam vessels, an average of two days' time be saved on the voyage each way, making a saving of four days on the round hich, on the season's work of, say, fifteen round trips, would amount to sixty As to sailing vessels, the difference in their favor would be much greater; but ng the comparison to steam vessels and their tows, the advantages of the ship- which is contemplated in this bill would be in the two ways indicated equiva- an addition of ninety days to the time of open navigation, or an addition of or quite 50 per cent., and increase the number of voyages or trips in that pro- . The value of this cannot be even approximately estimated, but if the ship- were to be of sufficient capacity to float vessels freighted with 50,000 bushels of or corn, the added value to commerce would be immensely in excess of the ex- ure, which, it is believed, would not exceed $5,000,000.

late navigation of the upper lakes is always hazardous, and it is estimated that storm and wreck between Chicago and Detroit Rivers has for twenty-five ast been more than $1,000,000 annually. The operation of the canal would un- dly diminish this by at least one-half, which would of itself be equivalent to

the interest on the cost of the canal and the expense of its conduct and administration.

There has never been an official or governmental survey of the proposed route, but it has been carefully examined by private parties of experience in railway and canal engineering, and your committee are informed and believe that the aspect of the country through which the projected route would pass is of a comparatively level and even character, abundantly supplied with water in running streams, and bordered along a large part of the way with deep, never-failing little lakes of from 2 to 10 miles in circumference, and to the number of three hundred and more. A considerable portion of these lie above the summit-level of the proposed canal, and an abundant water supply for a ship-canal of largest capacity is therefore undoubted.

It is proper to say, however, that the bill under consideration but proposes an appropriation for a survey, leaving to a future Congress to appropriate for the work itself, if it be determined to enter upon it. The question of water supply, the depth of cut, and general engineering problems, and ascertained conditions will then be available for accurate information.

So long as the Dominion of Canada is an appendage of Great Britain, the necessity of the bill before us is apparent as a military route. Its inland character, and the saving of time and distance in the transportation of gunboats, men-of-war, and heavy ordnance that cannot be transported by railroad, would seem to make it a military necessity in case of war with Great Britain.

Your committee would also call the attention of the House to the vast agricultural area beyond the western terminus of said canal.

There are five States in the Northwest whose products would be tributary to the proposed canal, whose united crop of cereals is now materially in excess of the whole crop of the United States twenty-five years ago, and the rapidly increasing productions of provisions, live stock for transportation, and other heavy freights to move are in still greater proportion. While this is all true, it is also true that less than one-twentieth part of even the most productive portions of our Northwestern States and Territories are yet under cultivation, and our vast mining interests only in the first stages of development.

The increased necessities for almost unlimited transportation increase faster than those facilities are furnished, and invite the attention of the Government to all feasible improvements and the opening of new water-courses such as that under consideration. While the railroad companies are gradually enlarging and extending their facilities, the ratio of increase in produce is much greater than this, so that evidently difficulties will become greater and greater year after year without the aid of enlarged, better, and safer water communication for the movement of these heavy products.

There is, in the opinion of your committee, no means of affording protection to American industry in a manner more direct and so free from question as to multiply the methods of cheap transportation; and there is no method of diminishing its cost so promising as to increase the water-ways, which not only afford the cheapest of all but should remain in the control of the Government, be exempt from all questions of discrimination, rates, and other distracting questions of carriage that agitate the public mind.

Taking into consideration the little opposition of nature, the shortening of distance, the more favorable climate, and the lengthened navigation season and the lessening of its perils, the inadequacy of present routes, the prospective increase of these difficulties, and, independent of the difference in the length of time of navigation in the two routes, the great disparity in the increase is so important that the committee respectfully report in favor of an appropriation for a survey for a water-route, such as described in the bill under consideration, and recommend that it do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2295.

ANNA A. PROBERT.

MAY 6, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3610.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3610) granting a pension to Anna A. Probert, having examined the same, make the following report:

The committee find that a bill granting the claimant a pension passed the House at a prior session, but failed consideration in the Senate. Your committee adopt the report of this committee of said House, as follows:

The said Anna A. Probert is the widow of George C. Probert, who was a first lieutenant in the Third Ohio Cavalry; contracted disability during his term of service, and received a pension at the rate of $17 per month until his decease, October 28, 1878. He was a druggist and apothecary, and a resident of Norwalk, Ohio. A short time before his death he went to the city of Memphis for the purpose of giving his professional assistance to the yellow-fever sufferers of that city during the epidemic which prevailed that season. He was himself attacked with yellow fever, and died October 28, 1878. The attending physician certifies that in all probability he might have recovered from the disease had it not been aggravated by chronic intestinal disease contracted in the Army. It is clear from evidence before the committee that Probert had performed good and faithful service as a soldier, and that he was a courageous and unselfish gentleman. He died leaving his widow in destitute circumstances, and their two small children solely dependent upon her. Owing to the delicate state of her health, her mind became disordered, and she had to be sent to an asylum for treatment. She is now, however, recovered from the nervous and mental prostration, but greatly needs the relief provided in the accompanying bill to aid in the maintenance of herself and children. Your committee therefore recommend that it be reported back favorably. Amended as not to provide for arrears of pension.

The committee therefore adopt said House report as the report of this committee, with recommendation that the bill do pass.

O

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2296.

ANN KINNEY.

5, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ILLSBERRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5389.]

Committee on Invalid Pensions, to whom was referred House bill 5389, *beg leave to submit the following report:*

nn Kinney is the widow of Edward Kinney, who was a private in pany E, Seventy-seventh Ohio Volunteer Infantry, who was upon pension-rolls at $18 per month from 1862 until the time of his h, which occurred September 5, 1875. Mrs. Kinney filed her claim ember 28, 1877, alleging that her husband died from the effects of rounds received at the battle of Shiloh. The Pension Office dis- d this fact and alleged that death ensued from the result of a ken spree, as Kinney was said to have been addicted to the intem- te use of liquors, and for this reason the widow's claim was rejected. two witnesses are brought up to sustain this allegation—one hem the postmaster of Bellaire, Ohio, and the other the city hal of the same place. These two persons were not even sworn i giving this testimony, and as both were persons who disliked ey, it is not probable they would say anything in his favor. On ther hand, a large amount of testimony, sworn to, was adduced by Kinney to the effect that her husband was subject to epileptic fits, that death ensued from congestion of the brain while in one of e fits. In view of these facts, and that the unsworn testimony of ersons stated seems to be all upon which the rejection of the claim based, your committee recommend that the bill do pass.

O

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2297.

ELLEN CORCORAN.

6, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ELLSBERRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1815.]

Committee on Invalid Pensions, to whom was referred House bill 1815, *ring had the same under consideration, submit the following report:*

igene P. Corcoran was chaplain of the Sixty-first Ohio Infantry Reg-
t and served faithfully from December 4, 1861, to January 25, 1863,
n he entered said service he was sound, healthy, and vigorous. In
winter of 1862–'63 he was captured, and subjected to exposure and
re weather without proper clothing or food, and thereby contracted
ise of throat and lungs, which resulted in his death after a contin-
illness of three years. He returned from the Army a physical
k, and never afterwards grew better.
e was ordained a priest of the Catholic Church about March or
l, 1856, at the city of Cincinnati, Ohio.
the well-known discipline of that church he was not, of course, per-
ed to marry, and by the equally well-known care exercised by the
siastical authorities of that church to prevent scandals and immoral
uct among its clergy, it became necessary to provide for him a house-
er whose relations to him would be such as to preclude any and all
on that head. The applicant, Ellen Corcoran, was his sister. In
this brother and sister entered into an agreement, with the consent
eir parents, and at the earnest request of the late Archbishop Pur-
who was Chaplain Corcoran's ecclesiastical superior. By the terms
is agreement the sister was to take entire charge of all the domestic
rs of the brother during their mutual lives, and to abandon all other
tions and pursuits, to live a life of celibacy, and devote herself wholly
solely to the service of her brother as his housekeeper. In return he
to maintain her, and, if she survived him, to leave her such property
e might own at his death.
is agreement was carried out to the letter. The sister refused
advantageous offers of marriage, and other offers to change her
ition, and nursed and cared for her brother during his long illness
evotedly as any wife could have done, and at serious injury to her
h, as well as great expense to herself. He made her his sole lega-
y will, but left no property. It was all consumed, and mostly, too,
is long illness. Since his death she has remained single, and has
no means of support except her own labor. She is now in advanced
s and feeble health.

This brave soldier gave his life to his native country, and perfor services as necessary in the eyes of those who received them as w the services of the greatest heroes and commanders of that unha war; and his services contributed as much to that perfect discipl undaunted courage, and consequent victory as any other element success, the fruits of which are being now enjoyed by a united peo Were the applicant for a nation's gratitude and bounty the wife of s a man, no one would question her right to demand what she now a as a favor owing to the peculiar circumstances surrounding the mat It is unique in its facts, and it is doubtful if another such case ca found in the whole United States.

We therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2298.

JOHN S. FILLMORE.

MAY 6, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ELY, from the Committee on Private Land Claims, submitted the following

REPORT:

[To accompany bill H. R. 2040.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 2040) for the relief of the heirs of John S. Fillmore, deceased, submit the following report:

The lands mentioned in the bill are located in the city of Denver, in the State of Colorado. During the Territorial condition of said State said John S. Fillmore conveyed said lands to the United States of America for the purpose and upon the condition that the same should be occupied as a post-office, which condition has never been in any part performed by the Government, but, upon the contrary, the Government has clearly indicated that it does not intend to occupy said lots for the purpose for which said grant was made, it having constructed and is occupying a building for a post-office located on ground situated some distance from said lots in the city of Denver. Since said conveyance said John S. Fillmore has died, leaving a widow and children.

The bill provides that the interest which the United States acquired under said deed to said lots be relinquished to and vested in the persons who, by the laws of Colorado, would have been entitled thereto at the date of the death of said Fillmore had said deed never been made, and to their heirs and assigns forever.

Your committee recommend the passage of the bill.

O

, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

HEARD, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 8600.]

Committee on the District of Columbia, to whom was referred House No. 4694, have had the same under consideration, and submit the following report:

e object of said bill is to incorporate a company and authorize it nstruct and operate a street railway to be supplied with all neces- equipments, and to propel its carriages or cars by cable power, pon the streets, avenues, highways, and course particularly in- ed in the bill. After a patient and careful investigation into the ct involved, your committee are of the opinion that the object sed by said bill is one of great interest and importance to this nd District, and that its accomplishment cannot fail to be benefi- o the public. The absolute success with which cable roads of r character are now being operated in several of the larger cities is country, and the universal approval with which they are now lered in the places where they have been built, leave nothing to as to their merit when operated, or as to the perfect feasibility of successful construction and operation under the conditions exist- ere. The committee have received satisfactory assurances of the faith of the parties asking this franchise, in their purposes for ing into speedy execution the scheme proposed, as well as of their ial ability to make the early completion and operation of the road sed to be built a certainty. The committee further find that a of the character proposed will not only, in many cases, give im-

property of said company, for the purpose of regulation, modificati and even repeal, if necessary, of the charter hereby granted.

The substitute offered proposes to compel the completion of the ent system of road covered by its provisions within one year from the da of the passage of the same, and the continuous and satisfactory oper tion of the roads when built. The construction and operation of sai roads is to be made and carried on in a manner subject to the approv of the proper authorities of the District and city, and the public pro erty in the streets and elsewhere is thus safely guarded against impai ment, while the rights of all individual property-owners is fully pr tected against abuse. In the opinion of the committee the substitut should pass, and for the following reasons, briefly stated: The publi interests will be served and its rights fully protected by granting th privilege applied for, under the forms and conditions of said substitut That the part of the city which these lines of road propose to serv needs the service to be furnished by street railways of some kind; an that the experience of the traveling public in other cities has demo strated that the cable railway is superior to any other now in use as surface road. That the construction of a road under and in complian with the provisions of this substitute will furnish the best means no in use for the street carriage of passengers, and that it can be co structed without disfigurement in the appearance of the streets of t city or of the impairment of their use for vehicles or other applianc of travel. That its construction will add to the volume of property be taxed in said city and District. The estimated annual tax whi will be collected from this source will amount to about $22,000—a su sufficient to pay the interest on $600,000 of the 3.65 per cent. bonds the District, besides furnishing employment to many people, and oth wise benefiting the public.

The committee therefore recommend that the substitute for said b do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2300.

THE AQUEDUCT BRIDGE.

MAY 6, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ROWELL, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill S. 200.]

The Committee on the District of Columbia, to whom was referred Senate bill No. 200, to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C., beg leave to report:

By the first section of the bill provision is made for the purchase of the Aqueduct Bridge, and converting the same into a free bridge, provided the owners of the bridge are willing to sell.

The second section provides for the building of a bridge at the Three Sisters in case the Aqueduct Bridge cannot be purchased.

In the Senate bill provision is made for a draw. Your committee do not deem it necessary or desirable to have a draw placed in the bridge, and therefore propose to strike the provision out of the bill.

Owing to some claim of imperfect title to a small piece of land upon which a part of the north abutment of the bridge rests, your committee propose an amendment providing for the condemnation of title, and by this means make the acquisition of the Aqueduct Bridge dependent alone upon the willingness of the owners to sell.

With the following amendments, the committee recommend the passage of the bill:

In the first section strike out the provision for a draw.

In the second section strike out the provision for a draw.

Add the following as section 3:

"SEC. 3. That if in the purchase of the Aqueduct Bridge under the first section, at any time, it shall be deemed necessary to obtain from the Chesapeake and Ohio Canal Company, or its grantees, any release or conveyance of any portion of the ground upon which the northern abutment of the Aqueduct Bridge rests, or right to cross the Chesapeake and Ohio Canal from the abutment to Bridge street, or if a good title cannot be procured by contract to any property required in the construction of a bridge under the second section, the same shall be acquired by the Secretary of War by condemnation in the manner provided by the act approved May eighth, eighteen hundred and seventy-two, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes:' *Pro-*

vided, That the condemnation proceedings, if any such proceedings are necessary, shall not prevent the taking possession, on payment of the purchase-money, of the Aqueduct Bridge by the United States, and opening the same to the public as a free bridge, if the same shall be acquired under the first section: *Provided further*, That the sum of ten thousand dollars of the sum hereby appropriated shall be available to meet the payments under condemnation proceedings, if any shall be had."

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2301.

RVICE OF PROCESS IN THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

MAY 6, 1886.—Laid on the table and ordered to be printed.

: HEMPHILL, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany H. R. 7717.]

e Committee on the District of Columbia, to whom was referred the bill (H. R. 7717) to regulate the service of process in the police court of the District of Columbia, respectfully report:

They find that the proposed bill repeals section 1066 of the Revised Statutes, which declares that—

> n cases cognizable in the supreme court the process shall be directly to the marl, except in cases of emergency, when it may be directed to the major of police.

The opinion of the District Commissioners was asked in reference to : bill, who say they "are officially informed and believe that this ty is now being efficiently performed by the marshal's office, and that ere is no necessity for the change in the manner of serving writs conplated by this bill."

They therefore report the bill back to the House with the recommenda- n that it do not pass.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2302.

AS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

:RKINS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 7478.]

ommittee on Indian Affairs, to whom was referred the bill (H. R.) to grant right of way to the Kansas City, Fort Scott and Gulf road Company through the Indian Territory and for other purposes, ıg had the same under consideration, respectfully report:

Kansas City, Fort Scott and Gulf Railroad Company was organıd incorporated under the laws of the State of Kansas, as recited bill. They have their line from Kansas City, Mo., to Memphis, now completed and in full operation, and also from Kansas City, ı Baxter Springs, Kans., and now ask Congress to grant them the to construct and operate a railway, telegraph, and telephone ;h the Indian Territory, "beginning at a point to be selected by ıilway company on the boundary line between said Territory and ate of Kansas south of the county of Labette, and thence to run restwardly to the south line of said Territory between the ninetyh and ninety-ninth degrees of longitude."

Kansas City, Fort Scott and Gulf Railway Company is one of the ırogressive and liberal companies in the West. It has at all times fairly with its employés, with the people, and with its stocks, and it is in the interest of commerce, good government, and y-growing communities that this bill should pass, and this reble and progressive company given the right to construct its road ;h the Indian Territory.

ıe Forty-eighth Congress similar bills were passed, and as a part ı report the following is taken from a report made at such time by mmittee on Indian Affairs:

ight of eminent domain in the Federal Government over the Indian Ter- ı the principle on which the bill has been constructed. Its precedent is found · enacted by the Forty-seventh Congress, granting a similar right of way to ıt Louis and San Francisco Railway Company.

mitations which the bill now reported throws around the exercise of the eminent domain have been conformed, as far as circumstances would allow, provided by the laws of all the States where the same right is exercised by ıthority within State limits. The rights of the Indians are fully protected, tribal and individual relations. Suitable provisions are made for the ascert and payment to the Indians of just and fair compensation for property om and damages done to them. Where the company and the respective tribes, ompany and individual occupants of the land fail to agree, a board of apprais-

ers is constituted to determine the amounts of compensation, and if a tribe or individual occupant should be dissatisfied with the award of the appraisers, such tribe occupant has substantially the same resort to the courts of the country that is allowed to the citizens of a State whose property under like circumstance is appropriated for public use. The details of the bill in this particular are believed by the committee to be appropriate and fully adequate to the purposes they contemplate. They protect fully and amply all the rights of the Indians.

The main questions presented by the bill are two:

First. Has Congress the power to grant the proposed right of way?

Second. Is there any necessity for the exercise of this power?

To both of these questions the committee make affirmative answers.

The power of Congress, as already stated, rests upon the right of eminent domain. That the Federal Government possesses this right over the Indian Territory it seems to the committee cannot be seriously questioned. The Indian Territory is a part of the United States and subject to its jurisdiction. This jurisdiction is now, and has been for a long number of years, exercised in a variety of ways.

The executive branch of the Government has its civil officers and agents located throughout the Territory. Postal routes permeate it as they do the States and other Territories. The Army occupies it. The judicial power of the Government is also extended over it in certain cases. In a word, whenever exigencies have required, the potential jurisdiction of the Government has been called into actual exercise. While existing laws allow to the tribes which occupy this country certain sorts of domestic or local government, there is nothing in the relations which these tribes sustain to the Federal Government which denies to the latter ultimate jurisdiction and sovereignty over them.

This proposition is abundantly established not only by the practice of the Government in the various instances cited, but also by an unbroken line of *judicial constructions.* Such jurisdiction and sovereignty embrace within their scope the right of eminent domain. So long as the Federal Government possesses this jurisdiction and sovereignty it must have the right also. No department or departments could divest the Government of this right, save and except by an absolute cession of the Territory to some foreign power.

The committee are equally convinced that there is a necessity for the exercise of the power.

The Indian Territory divides prosperous and growing States and Territories. On the west is New Mexico, on the north Colorado and Kansas, on the east Missouri and Arkansas, and on the south Texas. The rapidly increasing productions of these respective sections of country demand corresponding facilities for mutual exchange. It is needless to add that in this age railroads alone furnish such facilities.

There is now but one line of railroad running north and south across the Indian Territory. This line of road has therefore a monopoly of transportation and travel in the directions indicated. The commercial and other national interests, not only of adjacent States but of the whole country, demand competing lines. Whenever private capital without Government aid proposes to meet this demand, it should be allowed to do so.

The conclusions of the committee on the two main questions which the bill presents may be clearly stated in one sentence, namely, that Congress has the power to grant rights of way through the Indian Territory, and that there is an occasion for the exercise of this power whenever private capital in *good faith* proposes to build a new road.

The committee therefore report the accompanying bill, and recommend its passage.

O

:ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2303.

SUSAN SMITH.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

INANS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4552.]

ommittee on Invalid Pensions, to whom was referred the bill (H. R. 52) for the relief of Susan Smith, submit the following report:

r committee, to whom was referred the bill (H. R. 4552) for the re- Susan Smith, have examined the same, and find that the claimant ; case, Susan Smith, applied for pension March 18, 1876, on the l that her husband, Michael Smith, died from the result of an in- hich he received in the service as a first lieutenant of Company : hundred and eighty-fourth Regiment, Pennsylvania Volunteers. ner husband was injured in the service by a gunshot wound in ght arm or shoulder, which resulted in losing the use of his arm, illy proven, upon which he was granted a pension, and was draw- pension at the rate of $17 per month at the time of his death, ary 18, 1875. He was found dead under a load of rails at the date tated. The Pension Office, in rejecting the widow's claim, says, cted on the ground that his death did not result from the injury count of which his pension was granted."

e manner of the soldier's death is best explained by quoting from vidence on file in the widow's claim the statement of the United s examining surgeon who conducted the post-mortem examination e deceased soldier. He says:

s called upon in January, 1875, to make a *post-mortem* examination of the body ith. It appeared from the evidence that on the day of his death he was hauling rails on a sled over rough ground; that the load upset, the rails falling upon that he was found dead lying upon his chest and abdomen, the face turned a to one side, with rails lying across him from the neck to the feet, completely . The left arm was flexed, lying under the chest, with the lines wound d the hand. The right arm was extended by the side of the body. I found no res or dislocations. The chest and abdomen were somewhat flattened. There narks or creases along the back and legs, produced by the pressure of the rails. eceased had had a resection of 4 inches of the superior extremity of the right us, for which he was drawing a pension. The question proposed to me is whether ld have extricated himself if his right arm had been sound. The left arm was ed under him in consequence of the lines being wound around the hand, and of the other arm was perfectly useless in consequence of the resection of a portion bone. From my own knowledge of such matters, and after getting what in- tion I could of those who have had much experience in such kinds of labor, I there is no doubt but that he might have extricated himself if the right arm en sound.

ur committee agree in the above conclusion, and therefore think idow is entitled to the relief sought, and recommend the passage e bill.

O

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2304.

ERASTUS W. KENNEDY.

886.—Committed to the Committee of the Whole House and ordered to be printed.

INANS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8046.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R.) granting a pension to Erastus W. Kennedy, submit the following rt:

r committee, to whom was referred the bill (H. R. 8046) granting ion to Erastus W. Kennedy, have carefully examined the same, id that said soldier enlisted in Company K, Ninth Michigan In-, February 24, 1864, and was discharged July 3, 1865. His claim nsion was not allowed because of his inability to furnish the tes- of commissioned officers or comrades of the origin of his dis- in the service.

states that he was taken suddenly sick at or near Goldsborough, and sent away to hospital from the camp of the Thirty-eighth a Infantry, in which regiment he was a comparative stranger; e never returned to that regiment, and knows nothing of members f. The records of the Surgeon-General show that Erastus W. dy, private, company unassigned, Ninth Michigan Volunteers, d general hospital, New Berne, N. C., April 5, 1865, from quar- ith typhoid fever, and was transferred to Beaufort April 7, 1865, lay 10 sent by steamer to Portsmouth Grove, R. I. His military y, as given by the Adjutant-General, shows that he was absent his regiment on detached duty, and the claimant says he with from different regiments was employed in guarding a bridge hickamauga Creek, under command of Lieutenant Callahan, of a; also in guarding trains in various places. When Sherman l for Atlanta he was put in with the Thirty-eighth Indiana In-, and was taken sick as stated above.

examination by the board of surgeons at Ann Arbor reveals the ng facts in support of his statement:

ngue coated, and skin cold, clammy, and moist with venous congestion. Ab- somewhat constricted in upper portion; tenderness in region of liver and mach and right iliac region. Liver not materially enlarged. Examination m reveals numerous ulcers on the posterior portion, with several small in- emorrhoidal tumors; also several small tumors on lateral and anterior sides. regular in action, and feeble, with marked bellows murmur. A short walk ion of heart to 136 and breathing to 36. We think the disease of the heart fairly attributed to the result of diarrhea. He is, in our opinion, entitled to ating, caused by stomach disease, chronic diarrhea, and heart disease.

Dr. C. W. Haze, of Pinckney, Mich., testifies:

I have known Erastus W. Kennedy from a boy from twelve to seventeen years old; never knew him to be sick; he was in good health up to that age. Have prescribed for him since he came out of the Army for chronic diarrhea and occasionally alarming symptoms of neuralgia of the heart.

Dr. Sigler says:

I have been his family physician for the past ten years; have treated him frequently for gastralgia, accompanied by severe pain in the region of the heart. I have noticed a blowing sound with first sound of heart, indicating a lesion of mitral valve. He cannot perform more than one-half day's labor.

The professional standing of the above physicians is first class, and there is no doubt as to the present disability of claimant or his soundness prior to enlistment, and that his habits and character are good. The hospital record shows long and severe illness while in service, contracted in the Atlanta campaign. His detached service, covering nearly the whole term, prevents his furnishing the evidence of officers or comrades of his regiment or company, and seems to be the only reason his claim is not allowed by the Commissioner of Pensions.

We think this is clearly a case for Congressional relief, and therefore recommend an amendment. After "pension-roll," insert "subject to the provisions and limitations of the pension laws," and that the bill do pass.

C

TH CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2305.

PATRICK CURTIN.

MAY 7, 1886.—Laid on the table and ordered to be printed.

WINANS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2694.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 694) granting a pension to Patrick Curtin, have carefully examined the ame, and report:

That Patrick Curtin enlisted April 18, 1861, in Company D, Second trict Columbia Volunteers, and was discharged July 18, 1861, hav- been in the service three months. He claims hernia caused by a while being exercised in drill, but he is not able to prove the incur- ce in service by medical or other testimony, except one comrade who s he saw him fall and helped carry him to quarters. It is not imed that the hernia made its appearance till after discharge of said dier, and application for pension was not filed till June 30, 1880. It s rejected on the ground of claimant's inability to furnish testimony its origin in the service, as it does not appear that he ever saw an my or heard a hostile gun during his service.

We recommend the bill do not pass.

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2306.

JAMES D. HAWORTH.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1253.]

ommittee on Invalid Pensions, to whom was referred the bill (S. 1253) nting a pension to James D. Haworth, have given the same due atten- , and report:

nes D. Haworth was a sergeant in Company H, Thirty-third Reg- t Iowa Volunteers, enlisting August 14, 1862, transferred to Vet- Reserve Corps January 11, 1864, and discharged at close of the n July 6, 1865. In his application for pension, filed June 11, 1879, eges that while on the Yazoo Pass expedition, from exposure and nervous affection caused by a severe attack of fever, his eyes be- affected and resulted in loss of sight of right eye and material im- ent of the left, and that he was treated for same in hospitals at Rock, Ark., and Saint Louis, Mo., and afterward transferred to an Reserve Corps on account of said disability. Hospital records borate this; except they are silent as to disease for which he was d.

H. Gon, captain of soldier's company, testifies that in summer and f 1863 the claimant became unfit for duty in consequence of sore for which he was sent to hospital and never returned to his com- That the disability was contracted in the line of duty. Edwin iller, comrade, makes like affidavit, but more in detail.

William M. Scott, late surgeon of the claimant's regiment, testifies e treated the claimant, and excused him from duty at Little Rock, in the spring and summer of 1863, for blindness of right eye and ness of left, in consequence of which he was sent to Saint Julien's tal, at Little Rock, Ark.

ndant testimony is furnished proving the continuance of disability date of discharge to date.

l board of medical examiners at Fairfield, Iowa, April 15, 1885,

right eye is totally blind from disease of the optic nerve. The optic disk is nd its vessels atrophied. For left eye V=$\frac{20}{60}$ Sn., the impairment of vision be- sed by disease of optic nerve. His disability is equivalent to the loss of a hand t.

application was rejected on the ground that "affection of eyes ex- prior to enlistment."

This decision seems to have been based upon "confidential correspondence," and the report of a special examination had as a result of such correspondence. From a careful examination of the testimony taken in, and the report made of, said examination, it appears very clearly that the adverse evidence is very largely inspired by personal enmity towards claimant growing out of a neighborhood quarrel and family feud, the special examiner apparently seeking such testimony.

In no way, whatever, is claimant impeached, nor the character of the witnesses by whom he has established his case.

It seems that claimant was cross-eyed before enlistment. But that there was no other defect of sight is proven by the very best of testimony, three physicians swearing to this from their personal knowledge. Dr. Scott, the surgeon of the regiment, says that he knows that Drs. Parke and Hopkins, who examined recruits for said organization, were very particular in their examinations, and he has not the least doubt of claimant's soundness at that time.

Captain of claimant's company also swears that claimant always drilled regularly, and if there had been any other defect of his eyes, other than his cross-eye, he would have known it.

The fact of soldier's acceptance into the service, and his service of a whole year, without apparent disability, ought to preclude the Government from setting up a claim of prior unsoundness. The original claim is unusually well established, and in the opinion of your committee is not overthrown by the "confidential correspondence" nor the resulting special examination. But the claimant is entitled to the relief sought and should be on the pension-roll.

The passage of the bill is therefore recommended.

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2307.

JAMES H. BUTLER.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

'INDAR, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8601.]

'ommittee on Invalid Pensions, to whom was referred the petition of James H. Butler for pension, submit the following report:

soldier enlisted and was mustered into service May 31, 1861. as discharged June 9, 1863. His declaration was filed October 21, and was rejected upon the ground that there is no record of the dis- claimed at the War Department, and that the testimony fur- l was not satisfactory, showing origin of or existence in service lischarge.

evidence submitted by claimant in support of his claim is as s:

OF NEW YORK, *City and County of New York, ss:*

s H. Butler, being duly sworn, says he is the claimant herein; that the three y medical officers of the late Thirty-second New York Volunteer Infantry who d him while in service are dead.

he was treated medically after his discharge in 1863 for rheumatism, varico- d deafness, by Noah Clark Levings, M.D., who died at New York City in 1883, Dr. Mulford, whose evidence claimant has applied for, and by various other oners whose names he cannot now recall, for the reason that such treatment idental and brief and applied for by him only occasionally or in an emergency. nent says before and after his discharge he was and has been a resident of the New York.

nent says, in regard to his various disabilities, as follows:

hat he entered the Army in 1861 as captain of infantry, sound and healthy, as ves; that so far as his memory serves his rheumatism was occasioned first in side by lying in the damp and wet ground, he should judge, about the fall of hat then it first became troublesome, and that about the same time he lost the in his left ear, and that said disabilities continued from such date till his ge and thereafter.

hat so far as he can judge, about the end of 1862 he discovered that he was l with varicocele and varicose veins in his left leg, and has always believed abilities were occasioned by long marches and exposure.

hat he broke the third finger on his right hand at the battle of West Point, falling on a stump during the battle.

Deponent says further, that on his discharge, in 1863, he was suffering from all foresaid disabilities; that he has since continued to suffer therefrom, and now a greater or less extent, at times being wholly disabled for a week or longer, nfined to his bed and room, and at other times being disabled, so that he is ly to partially attend to his business and ordinary duties; that he never ex- to apply for a pension until this year, when he was convinced that his mala-

dies were incurable, and hence has kept no memoranda or data, and can only state from recollection the facts.

Deponent says he has been carrying on business for himself as a principal since his discharge in 1863.

JAMES H. BUTLER,
9 Maiden Lane, New York City.

Subscribed and sworn to before me this 1st day of December, 1884.

CHAS. H. HATCH,
Notary Public, New York County.

STATE OF NEW YORK, *City and County of New York, ss:*

Charles Hubbs, being duly sworn, says he was lieutenant-colonel of the Thirty-second New York Volunteer Infantry and knows the claimant, James H. Butler, late captain of said regiment.

Deponent says the service of the said regiment from 1861 to 1863 was very severe and arduous; that the marches were long, the exposure great, and that Captain Butler suffered from rheumatism, deafness, and a broken finger; that his rheumatism was chronic, more or less severe at different times; that deponent is unable, on account of the lapse of time, to fix specific dates, but he knows the facts stated generally, and further says that the claimant, since his discharge, has suffered more or less from the foregoing disabilities, and, as he is informed and believes, from varicocele and varicose veins, the result of injuries received in service.

Deponent says his knowledge of the foregoing facts is derived from his official position in the said Thirty-second Regiment, and from personal acquaintance and observation.

CHAS. HUBBS,
36 Beekman Street, New York City.

Subscribed and sworn to before me this 1st day of December, 1884.

CHAS. H. HATCH,
Notary Public, New York County.

(Certificate county clerk.)

STATE OF NEW YORK, *City and County of New York, ss:*

Russell Myers, being duly sworn, says that he was late major of the Thirty-second New York Volunteer Infantry, and since 1861 has known intimately Capt. James H. Butler, late of said regiment, the claimant herein.

That the service, exposure, and duties of said regiment from the first battle of Bull Run were very severe; the marches were long and rapid. Deponent to his knowledge says said claimant suffered severely from rheumatism, malarial fever, deafness and a broken finger; that particularly at the battles of West Point, Antietam, and Chancellorsville, Crampton's Gap, Gaines's Mill, Charles City Cross Roads, Malvern Hill, and in the various engagements in front of Petersburg, said claimant was greatly exposed, and in consequence his rheumatic troubles were aggravated. Deponent says he had the next tent to said Butler, and while he cannot give specific dates on account of the lapse of years, still, to his knowledge, during 1862 and 1863 he knows of the claimant suffering chronically and very severely from rheumatism, fever, and from varicocele as he was informed; and also, that since his discharge he knows that said Butler has suffered more or less from the aforesaid disabilities.

Deponent finally says Captain Butler was indefatigable in the discharge of his duties, and was often subject to very great hardships and strains, particularly at the battle of West Point, where the killed and wounded of his company numbered twenty-one, inclusive of his first lieutenant.

Deponent says the medical officers of the regiment who attended Captain Butler are dead, viz: Surgeons Little, Totten, and Coons.

RUSSELL MYERS,
42 Wall Street, New York City.

Sworn to before me this 1st day of December, 1884.

[SEAL.] CHARLES H. HATCH,
Notary Public, New York County.

STATE OF NEW YORK, *City and County of New York, ss:*

S. S. Mulford, being duly sworn, says he is now a physician in the city of New York, and was surgeon of the Thirty-third New York Volunteer Infantry, and afterwards surgeon United States Volunteers; that he has practiced his profession since.

Deponent says he has known the claimant for the past ten years, and has attended him professionally at intervals during that period for varicocele, and severe hemorrhages resulting therefrom, and, from information and belief, deponent says said claimant contracted said disease, and also a hemorrhagic diathesis, from exposure during his service in the late war; that the grounds for his belief are the statements of the said Butler, and his professional judgment that said Butler's disability has existed for many years.

Deponent says that said Butler is now suffering from said disability, and that he is professionally attending him on account thereof, and the disease in his case assumes a serious character from a decided meningic tendency.

S. S. MULFORD,
Late Surgeon Thirty-third New York State Volunteers, and Surgeon United States Volunteers, 43 West Thirty-first Street, New York City.

Sworn to and subscribed to before me this 1st day of December, 1884.

CHAS. H. HATCH,
Notary Public, New York County.

STATE OF NEW YORK, *City and County of New York, ss:*

Charles H. Hatch, being duly sworn, says he has known James H. Butler, the claimant herein, since 1865; has resided in the same hotel with him for about a year; has been a member of various army societies with him, and has known from observation, the statements of others, and of said Butler that the claimant has since 1865 suffered from rheumatism, varicocele, and deafness, oftentimes acutely, sometimes temporarily.

Deponent believes claimant's rheumatism chronic, and of such a character as to cause a partial or total disability hereafter on the part of claimant as in the past.

CHAS. H. HATCH,
128 *Broadway, New York City.*

Subscribed and sworn to before me this 1st day of December, 1884.

C. DONOHUE,
J. S. C.

NEW YORK CITY, *April* 30, 1885.

SIR: I have the honor to state, in reply to your communication of April 9, asking for further evidence of my disability, "varicocele," in my application for an invalid pension, that such disability, being of a character that could not be exposed without indelicacy, and from its location covered by clothing—so far as I know, it was known only to the medical officers of the regiment, who are not living. I inclose affidavit of myself, which I trust, under the circumstances, may be deemed sufficient.

I am, very respectfully, your obedient servant,

JAMES H. BUTLER.

Hon. JOHN C. BLACK,
Commissioner of Pensions.

CITY AND COUNTY OF NEW YORK, *ss:*

James H. Butler, being duly sworn, deposes and says: That about the year 1863 he asked the medical advice and attendance of Assistant Surgeon G. B. Totten, of his regiment, and was treated by him for varicocele.

Deponent says at the battle of Crampton's Gap, or South Mountain, in 1863, he found himself bleeding from varicocele; that the left leg of his trousers was saturated with blood, and to staunch the bleeding he placed a towel therein and went through the engagement; that directly after the battle he called upon Dr. Totten, narrated the facts, showed him the towel, was examined by him, and treated thereafter, off and on, for such varicocele.

Deponent says Dr. Little, the surgeon of the regiment, was also consulted regarding such disability, and approved of the course and treatment of Dr. Totten relative thereto. That both of these officers are dead.

Deponent says from the nature of this disability, being a concealed or hidden one, and of a delicate nature, he concealed it so far as he could, and to his knowledge it

was known to none of his fellow officers or the members of his regiment, except the medical officers only, unless, perhaps, report, on deponent's complaints there might have given other persons simply a knowledge thereof based on hearsay.

Deponent says ever since the war he has suffered therefrom repeatedly and severel and he believes it is incurable.

JAMES H. BUTLER.

Sworn to before me this 30th day of April, 1885.

CHAS. H. HATCH,
Notary Public, New York County.

STATE OF NEW YORK, *City and County of New York, ss:*

Robert McNamee, being duly sworn, deposes and says that he was late a private i Company F, Thirty-second New York Volunteer Infantry, and served therein fro 1861 to the muster out of said regiment, and he was discharged therefrom June 1 1863, at the city of New York.

Deponent says that he has since his discharge resided in the city of New York, an now resides there, at No. 31 Attorney street.

Deponent says further, that during his two years' service he was detailed as orderl for Capt. James H. Butler, and saw him daily until his discharge.

Deponent says further, that at the time of the muster out of this regiment, in Jun 1863, he knew that Capt. James H. Butler was suffering from enlarged veins on hi testicles, which deponent understands is denominated in medical parlance as varicocel also that said Butler had been suffering therefrom for over a year previous from th said cause; that during the last year of said service of said regiment said Butler wa troubled with frequent bleedings and hemorrhages, more or less severe and chronic that deponent, in obedience to the instructions of Dr. Totten, the regimental surgeo assisted said Butler on the occasions of said bleeding by holding the basin, applyin water and bandages, and helping said Butler to stanch the bleeding; that on suc occasions said Butler became very weak and debilitated, and that, in deponent opinion, his services or the services of one assistant were absolutely necessary to carr out the doctor's orders and to stop the bleeding.

Deponent says further, that said Butler, to his knowledge, was for days together, an for shorter periods, disabled by this trouble and the bleeding of the testicles.

Deponent says that in 1861, at New Dorp, Staten Island, New York, said Butl was examined physically, the same as a private soldier, by Dr. Little, the regular e amining surgeon, and was by said physician pronounced sound; that this depone was in the room at the time and saw Captain Butler naked, and that this conditi or disease or disability of the private parts of said Butler did not exist then; th Captain Butler was requested by said Dr. Little to have such examination made inspire confidence in the men, who greatly objected to a physical examination, as prescribed by the Army Regulations.

Deponent says he mentioned this disability of Captain Butler to the followi members of his company during 1862 and 1863: Private John Dunn and Corporal Jo Madden.

ROBERT McNAMEE.

Sworn to and subscribed before me this 29th day of June, 1885.

CHAS. H. HATCH,
Notary Public, New York County.

STATE OF NEW YORK, *City and County of New York, ss:*

Frank C. Baugs, being duly sworn, deposes and says that he resides at the Sturte vant House, New York City, and is well acquainted with James H. Butler, the ap plicant, and has known him for about fifteen years past.

Deponent further says that to his personal knowledge said Butler has suffered fo many years past from varicocele, and has at many times been partially and wholl disabled thereby, and his consequent weakness and prostration therefrom have bee very great and protracted.

Deponent says about three years since, while traveling in company with said Butler, said Butler, on account of the opening of the veins and consequent hemorrhage, was so far weakened and prostrated that deponent had to, and did, extend his personal aid and services in stanching the blood, and that it caused said Butler very great prostration and weakness, extending over several days.

Deponent says further, that he has also known said Butler on several other occasions to suffer therefrom in like manner, and that he has personally observed the vari

knows that it exists now, and that it has existed during deponent's acquaint-
th said Butler.
ent says finally that he has had grave fears at times that the hemorrhage
e so violent as to be of a serious or fatal nature.

F. C. BANGS.

to before me this 4th day of July.

CHAS. H. HATCH,
Notary Public, New York County.

D COUNTY OF NEW YORK, *ss:*

es C. Butler, being duly sworn, says he is a brother of James H. Butler, the
t, and resides in San Francisco, Cal.
ent says about 1863 his brother, the said James H. Butler, stated to him that
suffering from varicocele, and therefore could not walk with him, as it was
for him to take exertion of that kind.
ent says that he never saw this disability, but believes that it existed from
nts made to him by his brother about 1863 and subsequently.

CHARLES C. BUTLER.

to before me this 28th day of September, 1885.

CHAS. H. HATCH,
Notary Public, New York County.

D COUNTY OF NEW YORK, *ss:*

H. Butler, being duly sworn, says that he has exercised very great diligence
voring to procure additional testimony relating to his disability—varicocele—
late of his discharge.
nent says the nature of such malady affecting his private parts naturally in-
him, as much as possible, to shield and conceal it, and that at present he is
to find any other testimony, owing to the death of his former medical attend-
circumstances, the lapse of time, and the death or disappearance of his com-

JAMES H. BUTLER.

to before me this 3d day of October, 1885.

CHAS. H. HATCH,
Notary Public, New York County.

COUNTY, AND CITY OF NEW YORK, *ss:*

H. Butler, being duly sworn, deposes and says, that about the date of his
e, in 1863, from the United States service, he applied to Noah Clark Levings,
f No. 45 West Ninth street, for professional advice and treatment for varico-
fness in left ear, and rheumatism, and was by said physician treated therefor
out 1865, at first, in and from 1863, frequently, but subsequently at rarer in-
for the reason that deponent, in a measure, had himself learned of the proper
nt.
nent says said Dr. Levings died at the city of New York, June 10, 1883, and is
ceeded by his son, Dr. Allen Levings, of this city. And that he was not treated
ded by any other physician for varicocele, rheumatism, and deafness except
lford, whose affidavit has been forwarded to the Commissioner of Pensions.

JAMES H. BUTLER.

to before me this 19th day of May, 1885.
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CHAS. H. HATCH,
Notary Public, New York County.

certificate of examining board of surgeons, New York City,
nan, Tuthill, and Morton, made November 25, 1884, states:

nd no evidence of rheumatism of the heart; muscles, joints, and tendons are
; slight deafness of left ear, anchylosis of first distal joint of third finger.
chylosis is on left hand, and of no significance. Applicant, however, has
ele on both sides in an extreme degree, and an extremely varicosed condition
superficial veins of the scrotum, so much so that they are liable to burst at

any time. We rate him only for the double varicocele and the varicose supe veins of the scrotum. That from condition and history of claimant, as stated by self, disability was incurred in the service, and not augmented by vicious habit he is entitled to one-half total.

The committee report that they deem the evidence submitted cient, proving that the disability originated in the service in lin duty; that it existed at time of discharge, and that claimant has since and still suffers therefrom, and is entitled to a pension ther as stated by said examining board as aforesaid. We therefore re the accompanying bill, to accompany this report.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2308.

MARY F. BLAKE.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

NDAR, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1520.]

ommittee on Invalid Pensions, to whom was referred House bill 1520, *beg leave to submit the following report:*

claimant is the widow of Homer C. Blake, late commodore in the d States Navy, who died from disease contracted in the service, in ar 1880, after an active and efficient service to his country for years. His widow is in circumstances requiring aid and with- eans of adequate support. She is now receiving pension as such r of $30 per month, and asks to have it increased to $50 per month, hat she be allowed an amount equal to that received by widows of officers of the rank of commodore. The facts upon which she her claim are fully set forth in her petition and affidavits hereto ed and made part of this report, and are sufficient, in the opinion ur committee, to entitle claimant to the increase asked, and we mend that the bill do pass.

ition and affidavits are as follows:

onorable the Congress of the United States of America:

petition of Mary F. Blake respectfully showeth, that your petitioner is the of Homer Crane Blake, late a commodore in the United States Navy; that the mer Crane Blake entered the service on the 2d day of March, in the year 1840, d of disease contracted in the service, in the year 1880, with the rank and sion of commodore, United States Navy; that after the death of the said Homer Blake, your petitioner's husband, and on or about the 6th day of May, in the 80, a pension of $360 per annum was granted to your petitioner, to be paid at of $30 per month; and your petitioner further shows that the said pension so l and paid to your petitioner as aforesaid is greatly inadequate and insufficient support and maintenance of your petitioner; and your petitioner therefore hat you will enact that the pension of your petitioner be increased to the sum per annum, and that she be hereafter paid the same at the rate of $50 per and your petitioner will ever pray, &c.

l New York, December 5, 1885.

MARY F. BLAKE.

STATES OF AMERICA,
tate of New York, City and County of New York, ss:

F. Blake, the petitioner above named, being duly sworn, says that the fore- etition is true.

MARY F. BLAKE.

a to before me this 5th day of December, 1885.
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RANDOLPH HURRY,
Notary Public, New York County.

UNITED STATES OF AMERICA,
State of New York, City and County of New York, ss:

Mary F. Blake, of the city of New York, being duly sworn, says:

I am the widow of Homer Crane Blake, deceased, late a commodore in the United States Navy, and I am the person named in the bill now pending before the honorable the House of Representatives of the United States to increase my pension, as the widow of said deceased, to the sum of $50 per month.

My said husband died in his sixty-eighth year, and was from his eighteenth year of age an officer of the United States Navy, and had not at any time any income or source of emolument other than his pay as such officer.

In his lifetime my said husband rendered to his country, the United States, distinguished and gallant service, and he died of disease contracted in the service of his country.

My present income is wholly inadequate and insufficient, and an increase of my pension, as the widow of the late Commodore Blake, is absolutely necessary for my support and maintenance.

I do therefore pray, respectfully and earnestly, the favorable consideration and action of the honorable the Congress of the United States upon the said bill increasing my pension accordingly.

MARY F. BLAKE.

Subscribed and sworn to before me this 9th day of February, 1886.
Witness my hand and official seal.
[SEAL.]

BERNARD KELLY,
Notary Public, New York County.

On the 11th day of January, 1863, at 3½ p. m., while at anchor with the fleet off Galveston, Texas, Homer C. Blake, United States Navy, in command of the United States steamer Hatteras, was ordered, by a signal from the United States flag-ship Brooklyn, to pursue a sail to the southward and eastward.

He immediately got under way and steamed in the direction indicated. After some time the strange sail could be seen from the Hatteras, and was ascertained to be a steamer, which fact was communicated to the flag-ship by signal. He continued the chase, and rapidly gained on the suspicious vessel.

Knowing the slow rate of speed of the Hatteras, Captain Blake at once suspected that deception was being practiced, and ordered the ship to be cleared for action, with everything in readiness for a determined attack and vigorous defense.

When within four miles of the Alabama he observed that she had ceased to steam, and was lying broadside on, awaiting his approach.

It was nearly 7 o'clock, and quite dark, but, notwithstanding the obscurity of the night, he felt assured, from the general character of the vessel and her maneuvering, that he would soon encounter the rebel steamer Alabama.

Being able to work but four guns on one side of the Hatteras, Captain Blake determined to close with her, in order that his guns might be effective. He came within seventy-five yards of the stranger, and upon asking, "What steamer is that?" received the answer, "Her Britannic Majesty's ship Vixen." Captain Blake replied, "I will send a boat aboard;" and immediately gave the order. In the mean time both vessels were changing their positions, the stranger endeavoring to gain a desirable position for a raking fire.

Simultaneously with the piping-away of the boat the strange craft replied, "We are the Confederate steamer Alabama," and poured in a broadside. This was immediately returned.

Being well aware of the many vulnerable points of the Hatteras, Captain Blake hoped, by closing with the Alabama, to board her, and thus rid the seas of the piratical craft. He therefore steamed directly for her, but she was enabled, by her superior speed, and the foulness of the bottom of the Hatteras, and her consequent diminished speed, to thwart this attempt when he had gained a distance of thirty yards from her. At this range musket and pistol shots were exchanged, the firing continuing with great vigor on both sides.

At length a shell entered amidships in the hold, setting fire to it, and at the same instant a shell passed through the sick-bay, exploding in an adjoining compartment, and also producing fire. Another shell entered the cylinder, filling the engine-room and deck with steam, and depriving him of all power to maneuver the vessel or to work her pumps.

the vessel on fire in two places, her walking-beam shot away, and her en-
dered useless, Captain Blake still maintained an active fire, with the double
disabling the Alabama and attracting the attention of the fleet off Galves-

soon reported to him that shells had entered the Hatteras on the water-line,
off whole sheets of iron; that the water was rushing in, utterly defying every
to remedy the evil, and that she was rapidly sinking.
ing this fact, and the Alabama being on his port-bow, beyond range of his
eparing for a raking fire, Captain Blake, to prevent the blowing up of the
from the fire which was making rapid progress, ordered the magazine to be
and afterwards a lee gun to be fired.
labama then asked if assistance was desired, to which an affirmative answer
en.
inutes after leaving the Hatteras she went down with her pennant flying, and
t, and with armament and stores of every character.
attery of the Alabama, brought into action against the Hatteras, consisted of
uns, viz, four long 32-pounders, one 100-pounder rifled gun, one 68-pounder,
24-pounder rifled gun; that of the Hatteras was two short 32-pounders, one
der, rifled Parrott gun, and one 20-pounder rifled gun. It will be seen that
le broadside of the Hatteras was only 14 pounds heavier than the one 100-
gun of the Alabama.
reat superiority of the Alabama, with her powerful battery, her machinery,
der the water-line, must be at once recognized, as the machinery of the Hat-
s above the water-line and entirely exposed.
istance between the combatants varied from 25 to 100 yards.
ral Farragut, in a letter to the Navy Department marked "private," while
ing the vexations he had met with at Galveston, mentioned this engagement
ch pleasure, making use of the expression, "I thank God I had the right man
ight place once."
65 the double-turreted monitor Onondaga, under command of Capt. Will-
rker, was stationed in the James River, near the obstructions, to prevent the
of the rebel fleet.
e obstructions were removed by the rebels, and on the 24th of January, 1865,
el iron-clad Virginia, with rams and torpedo boats, seven in number, came down
er, but ran aground, and were waiting for the next tide, to descend. At their
ch Captain Parker retreated, and in so doing injured the Onondaga's port pro-

he 25th of January he was detached, and Captain Blake was placed in com-
of the Onondaga and the iron-clad division. Immediately upon his taking
nd Captain Blake ordered a tug to assist him in getting the Onondaga under
and to place her near the rebel batteries. Captain Blake's officers expostu-
rith him, protesting against the vessel being taken back. Captain Blake re-
hat he was in command, and desired only their obedience to his orders, and
vessel towed within 200 yards of the rebel batteries, where he anchored her
channel of the river, thus blockading it, and prevented the rebel rams from
down and cutting off the base of supplies of the Army at City Point.
ral Ord came to Captain Blake and asked him what he intended to do. He re-
"I intend to remain here. I consider the Onondaga a match for the whole
eet. They cannot pass by me, and if they blow the vessel up she will sink in
nnel, forming an obstruction." General Ord replied, "If you will do this, the
the Army is safe."
is action on this occasion Captain Blake received the highest commendation
ter from Admiral Porter, of which the following is a copy:

NORTH ATLANTIC SQUADRON, FLAG-SHIP MALVERN,
Cape Fear River, February 4, 1865.

I have received your report in relation to the course you pursued while in com-
f the James River Division.
your predecessor done as well we should now have been in possession of the
ebel navy, and on our way to Richmond.
Onondaga I consider a match for the whole rebel fleet, and I feel mortified that
my instructions I failed to impress the late commander of the division with
ortance of acting coolly and energetically if any occasion offered.
conduct meets my hearty approval.
our obedient servant, DAVID D. PORTER,
Rear-Admiral.

Commander HOMER C. BLAKE,
Commanding Onondaga.

Homer C. Blake, as second officer of the United States frigate Sabine, was active in rescuing from the United States transport Governor her officers and crew, and 400 soldiers under command of Colonel Reynolds.

Captain Blake was in command of the surveying party which was sent up the Salee River, Corea, and was fired upon by the natives. He returned the fire and silenced the forts. He also commanded the force sent to punish the Coreans for this treacherous attack on the United States flag, and met with marked success, capturing and destroying their forts, taking prisoners, and their principal standards. For his action here he received the highest encomiums from Admiral Rodgers.

MARY F. BLAKE.

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2309.

SARAH M. CARROLL.

', 1886.—Committed to the Committee of the Whole House and ordered to be printed.

PINDAR, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8602.]

Committee on Invalid Pensions, to whom was referred the petition of Sarah M. Carroll for pension, submit the following report:

irst, the verified petition of Sarah M. Carroll, in her own behalf, and ond, letters from Maj. Gen. Daniel E. Sickles, General P. H. Sheri-, U. S. Army, and Surgeons Hammond and Billings, all testifying in strongest manner to valuable services rendered by the petitioner as urse to the soldiers during the late war of the rebellion.

he Senate and House of Representatives in Congress assembled:

lis Sarah Mary Carroll, resident of New York City, prays that Congress will grant a pension, in consideration of her past services as hospital nurse, in charge of ers and soldiers of both armies, in military and civil hospitals, during the late :

ur memorialist respectfully represents that she devoted herself to hospital service e city of Washington, D. C., during the years 1861, 1862, 1863, and 1864, and that ng these several years she was a member of the community of the Sisters of Char- nd known as "Sister Mary Carroll."

e Providence Hospital, in Washington, was established and conducted by Sister Carroll. Although a civil hospital, many officers and soldiers and sailors of the y and Navy were admitted and taken care of by her there, as can be attested by y present residents of the capital.

j. Gen. D. E. Sickles, after the loss of his leg in the battle of Gettysburg, although n inmate of the hospital, was daily visited by Sister Mary Carroll, and he will k for the care bestowed on many of his Third Corps officers, who were in the hos- s under Miss Carroll's ministration.

sides the government of the Providence Hospital (civil) Miss Carroll was ap- ted to the charge of the corps of sisters employed in the nursing department of Cliffburn General Hospital (military). The number of sick and wounded in hospital at the time she took charge of the nursing in May, 1862, was over one nd. The sufferers were from the ranks of *both* armies. There being no adequate ters in 1862 for sick or wounded prisoners the stables of the Sixth Cavalry were ly fitted up for temporary hospital use; Dr. John S. Billings, now in charge of Anatomical Museum, Washington, asked the Sisters of Charity to take charge of nursing, and Miss Carroll was appointed by her superiors to take charge as afore- d.

these rude and uncomfortable quarters, Miss Carroll assisted the surgeons in the and comfort of those suffering soldiers. If desired, your memorialist will pro- ample testimony to prove the impartiality of the care and attention bestowed e Federal and Confederate soldier. As this appeal is made to representatives of nited country the fact should be remembered.

Miss Carroll's loyalty was never questioned, and proof of the confidence reposed her may be judged from the fact that the Secretary of War (Mr. Stanton) intrust prisoners of war, ill with typhoid fever, who were confined in the Old Capitol Priso to her care and custody, in the Providence Hospital in 1861, because at that ear stage of the war there was not suitable accommodations for the sick in the Old Ca tol Prison. Miss Carroll was also permitted to enter the Old Capitol and visit t sick there at will later on during the war, and throughout the prison she was call the "Flag of Truce." Mr. Wood was superintendent, and Dr. Greenleaf surgeon charge of the prison; if they are living they can verify this statement.

When the Sixth Cavalry barracks (Cliffburn General Hospital) was abandoned f the more commodious quarters of the Lincoln General Hospital, Miss Carroll was a signed to the Eckington General Hospital. Dr. Storrer was the surgeon in charg there and at Providence Hospital at the same time she did duty, until ordered New Orleans in January, 1865, to take charge of the Hôtel Dieu (civil hospital where she labored until the end of the epidemic of 1867. Lieut. Gen. P. H. Sherida will vouch for the value of her services during the cholera visitation in 1866 and t riots and yellow fever scourge of the year following.

At last, while nursing the worst cases, Miss Carroll was stricken by the fever an has never fully recovered from its pernicious effects. She was recalled North, i the hope of benefit to her health, but very little good resulted. Her naturally stron constitution was greatly weakened by her previous laborious hospital duties and ha never since recovered its wonted vigor; gradually her health became so miserabl that she was incapable of doing full duty as a Sister of Charity and she would no consent to become a burden on the community she loved so well, for which reaso principally she resigned. Up to the present time, Miss Carroll has supported hersel by her own exertions and the kindness of old friends, but her health is rapidly failing; hemorrhages of the lungs often prostrate her, and she has no greater dread than that of becoming a burden on relatives or friends.

As a last resort, to prevent such a contingency, she, who aided so many others in the past, now petitions for aid herself from the Government she has always honored and endeavored to serve as much as was in her humble power.

Miss Carroll does not make this appeal, based on her position as a Sister of Charity; she places her petition on the actual value of her services to the suffering soldiers in the capacity of a skilled nurse and Christian woman, as also on the consequent loss of health from her labors in hospital service. Miss Carroll is fifty years of age now.

SARAH MARY CARROLL.

On this 19th day of April, 1886, personally appeared before me Sarah Mary Carroll, who solemnly swears that the foregoing statement is correct, to the best of her knowledge and belief.

[SEAL.] EDWARD C. EVANS,
Notary Public.

The following copied letters are the testimony of Lieutenant-Genera P. H. Sheridan, United States Army, Maj. Gen. D. E. Sickles, Unite States Army (retired), Surgeon-General William A. Hammond, Unite States Army (retired), Surgeon John S. Billings, United States Army

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 8, 1886.

I have great pleasure in stating that I have known Sister Mary Carroll for man years. I first met her as a Sister of Charity in New Orleans during the prevalence the cholera epidemic there in 1866. She was then in charge of the Hôtel Dieu Ho pital, and attended and administered to officers in the hotel and at their houses. frequently saw her during that year and during the yellow fever epidemic in 186 She took care of a number of officers in the hotel, among them Capt. Allen Smit Fourth Cavalry, and Lieut. Col. M. V. Sheridan, while dangerously ill with the feve and was finally taken down with it herself.

During the war she was a skillful and able nurse in the hospitals about Washin ton. She nursed Lieutenant-Colonel O'Keefe, dangerously wounded at Five Fork until his death.

Sister Mary Carroll is a woman of great intelligence and refinement and devot her life during the war and after the war to the care of officers and soldiers wh sick or wounded.

P. H. SHERIDAN,
Lieutenant-General.

23 FIFTH AVENUE, *New York, March* 17, 1886.

I have great satisfaction in bearing testimony to the important services rendered by Sister Mary Carroll (as she was then called) in nursing officers of the Army and Navy, and soldiers and sailors, and prisoners of war, in several of the hospitals in Washington, from 1861 to 1865.

I speak of the services of this lady from my own observation, and from the statements made to me at the time and since by many of the officers and men of my command, who were inmates of the hospitals in charge of Sister Mary Carroll (as she was then called). Her services and abilities were likewise highly commended by Dr. Sim, the medical director of the Third Army Corps, and by other surgeons on duty with that corps while under my command.

Although devoted to the cause of the Union, and enjoying the confidence of President Lincoln and of Secretary Stanton, Sister Mary seemed to apply herself with peculiar tenderness to the care of wounded and sick prisoners of war.

She was a woman of remarkable aptitude for her vocation. She was gifted with a rare union of executive force and feminine gentleness; she knew how to gain the help of the authorities and of citizens in providing means for her work; whilst her skill and tact as a nurse were gratefully acknowledged by the sick and wounded in her charge, and by the surgeons associated with her at the hospitals.

In 1863—July and August—while suffering from a serious wound received at Gettysburg, I was visited daily as a nurse by Sister Mary Carroll, under the advice of Dr. Sim, my attending surgeon. This service was rendered in addition to her arduous duties as chief of Providence Hospital; and I am persuaded that I am equally indebted to my surgeon, Dr. Thomas Sim, and to my nurse, Sister Mary Carroll, for my recovery.

D. E. SICKLES,
Major General, U. S. A. (retired.)

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43 WEST FIFTY-FOURTH STREET,
New York, February 3, 1886.

During the time that I was in charge of the Medical Bureau of the Army as Surgeon-General on the active list, I had occasion repeatedly to observe the devotion to duty of Miss Sarah M. Carroll, then a Sister of Charity and having charge of the nurses of the Providence Hospital, in the city of Washington, and the Cliffburn General Hospital. I then regarded Sister Mary Carroll, as she was called, as the *best* nurse in the service. Not only was she indefatigable in the discharge of her duties, but she was gifted with a degree of intelligence that rendered her doubly valuable. I am very sure that many of our wounded owe their lives to her fidelity and kindness.

WILLIAM A. HAMMOND,
Surgeon-General, United States Army (retired list).

ARMY MEDICAL MUSEUM, SURGEON-GENERAL'S OFFICE,
Washington, D. C., April 7, 1886.

Having been informed that Miss Sarah Mary Carroll is now an applicant to Congress for pension, on the ground of services rendered by her as nurse during and immediately after the late war, I take great pleasure in saying that this lady, at that time known as Sister Mary Carroll, rendered extremely valuable service as chief of the Sisters employed as female nurses in Cliffburn Hospital, near this city, under my charge, during the spring and summer of 1862.

These were the first Catholic Sisters employed in the military hospitals in this vicinity, and in requesting their assignment I made special request that Sister Mary Carroll should be sent in charge, being assured of her knowledge, zeal, and loyalty. The result more than confirmed my expectations. Her zeal and devotion to the sick and wounded I have never seen surpassed, and the service which she rendered in assisting in the organization of the hospital, and in bringing order out of confusion, which at first prevailed, were so great that it would be difficult to assign to them a suitable reward.

JOHN S. BILLINGS,
Surgeon, United States Army.

There can be no doubt that Miss Carroll (the petitioner) rendered very valuable services during the late war, was an efficient and skillful nurse during long years, and rendered great aid and comfort to the sick and wounded officers and soldiers, thereby impairing her own health, and rendering her now unable to labor longer in her own support. She is needy and in ill-health, the loss of which your committee believe is easily connected with her services as such Army nurse.

They therefore recommend that the prayer of the petitioner be granted, and that her name be placed upon the pension-roll, and that she be paid a pension at $12 per month from the passage of the bill reported by the committee, herewith submitted.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2310.

HARVEY COBURN.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5091.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5091) granting a pension to Harvey Coburn, respectfully report:

This soldier enlisted February 8, 1864, in Company K, Second Regiment Pennsylvania Heavy Artillery, and was discharged December 16, 1864. He applied for a pension, alleging that he was severely ruptured in the right side at Fort Ethan Allen, Virginia, on the 20th day of May, 1864, by a piece of heavy timber falling on him while making preparations to repair said fort. The Pension Office granted his application for pension, and soldier received $4 per month from December 17, 1864, to June 4, 1878, at which time his name was dropped from the rolls by order of the Commissioner "on the ground that a new special examination reveals the fact that said disability (right inguinal hernia) existed prior to enlistment," as is proven by the evidence of Lewis L. Williams, who testified:

He was a clerk in the drug store of Benjamin Campbell, and that Harvey Coburn came in and bought a truss in the fall of 1863; that said Coburn took off an old truss that looked as though it had been worn a long time; he then put on a new truss and left.

The above would indeed be very conclusive evidence as to the hernia existing prior to enlistment, since soldier enlisted some months after the above incident, were it not that the same affiant, by duly certified affidavit, again testifies:

I did tell Dr. I. C. Robinson that Harvey Coburn wore a truss before he enlisted, but in this I was mistaken; it was John S. Craig that wore a truss instead of Harvey Coburn; that I never saw or knew of the above-named Harvey Coburn wearing a truss until he came home from the Army.

It is hard to find two statements by one witness more contradictory than those just quoted.

It was partly, if not wholly, upon the evidence of the above witness that the claimant's name was dropped from the pension-roll.

There was no question or doubt as to the present condition of the soldier at that time, since the examining surgeons then testified:

There is right inguinal hernia, which is difficult of retention. This was produced by a heavy log having fallen upon him. He states that ever since the injury he has suffered with pain in rectum and neck of bladder, and that he suffers from inability to retain the urine and from constipation; to relieve which latter he is obliged to use a syringe. We believe that the hernia and these troubles in the rectum and bladder are due to the original injury, and we therefore think the present rating too low. We find his disability to entitle him to total rating.

The same surgeons again testify, January 17, 1883:

Said Coburn has right complete inguinal hernia; disability one-half; and it is our opinion the disability was incurred in the service as claimed.

The examining surgeon who examined the soldier at time of enlistment pronounced him sound, and all his neighbors testify as to his prior soundness.

It thus appears that the name of this claimant was dropped from the pension-roll on evidence furnished by one Williams, who has since testified that he was mistaken as to the person, so that the case (eliminating the evidence of this witness) remains as it was. Claimant had been in receipt of a pension which, according to the evidence of the examiner, was too low for the disability existing.

Your committee, feeling satisfied that injustice has been done this claimant, recommend the passage of the bill, which will not only restore him to the roll, but will also give him such a rating as his disabilities will entitle him to receive.

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
lst Session. } { No. 2311.

CYRUS DUBBS.

r 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7407.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 7407) granting a pension to Cyrus Dubbs, respectfully report:

Hiram N. Dubbs enlisted in Company F, Fourth Regiment Pennsylnia Cavalry, September 19, 1861, and was discharged July 1, 1865.) died of disease contracted in the service September 20, 1867, and) Pension Bureau granted his mother, Anna E. Dubbs, a pension of) per month up to the time of her death.

he claimant, Cyrus Dubbs, is a brother of the soldier, and has been d all his life.

t is clearly proven that the soldier was the sole support of his widd mother and his blind brother; and that the mother, up to the e of her death, by her pension supported the claimant. Claimant ow fifty-two years old, with no means of support or of earning a lihood.

rom a careful consideration of the evidence in this case your comee find that there is no doubt as to soldier having been the sole sup- of his widowed mother and blind brother. The totally blind conn of claimant and his extreme poverty and inability to earn a livelid are deemed sufficient to justify the favorable reporting of the bill, ch continues to the son the pension paid to the mother.

our committee, in view of these considerations, recommend the sage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2312.

MARTHA McILWAIN.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7162.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7162) granting a pension to Martha McIlwain, respectfully report:

Robert J. McIlwain, late sergeant Company K, Thirty-seventh Regiment Pennsylvania Volunteers, was mustered into the service April 20, 1861, and was discharged November 29, 1862. He died May 15, 1883, "from prostration, the result of a complication of physical troubles incident to a neuralgic stump," as is attested by the attending physician. The evidence in this case is extremely full, and a careful consideration of the same reveals the following:

This soldier went into the service a strong and hearty man, and at the second battle of Bull Run was severely wounded in right leg by gunshot, and amputation was rendered necessary.

Soldier drew a pension up to the date of his death for the loss of limb, and his widow applied for, but was refused a pension, "because the death of the soldier was not due to the service, but to his own negligence." The evidence of soldier's neighbors is clear on this point, and all goes to show that the soldier was in the habit of taking morphia to alleviate the terrible pain he endured from his stump, which is by many said to have been a poor amputation, and that he accidentally took an overdose, which caused his death.

Your committee, in view of these facts, think that this claimant is undoubtedly entitled to a pension, and they therefore recommend the passage of the bill.

ıRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ion. } { No. 2313.

CECILIA C. McKENNA.

—Committed to the Committee of the Whole House and ordered to be printed.

E, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7509.]

ttee on Invalid Pensions, to whom was referred the bill (H. R. ınting a pension to Cecilia C. McKenna, respectfully report:

ımittee have examined this application for increase of pension d hereto her memorial to the Committee on Pensions, United ate, which represents the facts of the case.

Kenna's good character and valuable services as a nurse are ɔd by various certificates and letters which we have examined, ch we specify recommendations from Hon. Thomas A. Hicks, ır of Maryland, Hon. E. B. French, Hon. M. Blair, and others. ıt condition of poverty, sickness, and distress, is accurately ı the memorial, as we have ascertained by personal inquiry. pears that she only received pay during two months of her ıt she expended her own means for the relief of suffering sol- as in addition her services are represented to have been valu- committee recommend the passage of the bill as amended, rill read "twenty-five dollars."

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ble the Committee on Pensions, United States Senate:

ioner, Mrs. Cecilia C. McKenna, fifty-seven years of age, respectfully state the following facts as a basis for a claim for an increase of pension o. 2646, now before your committee.

nother of the late John H. McKenna, a private of the Marine Corps, ı Navy, who entered the service from Baltimore, Md., April 12, 1861; was er at the assault on Fort Sumter, September 7, 1863, and who died of ı Andersonville prison, Georgia, in July, 1864. This son was my de- d I draw a pension of $8 per month on his account (Certificate 764,

ı son I had two other sons in the service. Both are now sufferers in ill t, and are with families to support. My husband was in the Union serv- never well after leaving it, and died by reason of said service October, three brothers in the service; one died from the effects of confinement in , fourteen years ago; another is now a wreck in health, caused by his fe at Andersonville prison.

ı seven male members of my family were in the Union service—all brave, nd as a family I feel none was ever truer to this Government than mine

In addition to the above, and because of which I ask this increase now, I served as a nurse in National Hospital, in Baltimore, and at Hygeia Hospital, Fortress Monroe, Va., for two years, during 1861, '62, and '63, and by said service I contracted throat and lung trouble and was sick, under medical care for over a year, and have always continued to suffer and have been seriously ill this winter from it, and from this ill health was obliged, September, 1883, to give up a position I held in the Patent Office from December, 1882, and am now in great need of relief and unable to work, all because of the disease I contracted in hospital service. In addition to my own support, I have, as a dependence upon me, a poor son afflicted with epilepsy, who must depend upon me because those who would have cared for him—his father and brothers—gave life and health to their country.

For my own services I received pay but for two months, when gave over two years, and in meeting my own expenses spent over one hundred dollars of my own money. I gave my services from love to my country, but if now in my old age, feeble health, and great need I can receive what I feel will be kind remembrance of what, as a woman, I have done and given, I will be ever grateful, and for this relief your petitioner prays.

CECILIA C. McKENNA.

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2314.

EDWARD CORNING.

7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1666.]

he Committee on Invalid Pensions, to whom was referred the bill 1666) granting a pension to Edward Corning, having examined the e, concur in the Senate printed report hereunto attached, and recom- d the passage of the bill, subject to the provisions and limitations he pension laws.

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e claimant, Edward Corning, was mustered into the service of the United States st lieutenant and regimental quartermaster of the Eighty-fifth Regiment of New Volunteers, December, 1861; he accepted commission as captain and assistant termaster of volunteers October 16, 1862, and served until June 12, 1865.

applied for a pension, but it was rejected on the ground that "no disability ex- rom causes alleged in claimant's declaration for pension."

e evidence shows that he was several times sick in the service, and certificates e following effect are on file:

NEW YORK, *July* 1, 1862.

ut. Edward Corning is still confined to his bed from the effects of the fever h he contracted while on the Peninsula in Virginia, and in my judgment he will e able to rejoin his regiment before the 1st of September.

e above statement I certify to as his attending physician.

F. L. HARRIS, M. D.

NEW YORK, *August* 1, 1862.

ereby certify that Lieut. Edward Corning is still confined to his room, and is un- most of the time to leave his bed from the weak and debilitated condition of his m.

F. L. HARRIS, M. D.

e reports of his condition and the evidence as to the incurrence of the disease e service are very full and complete, and the only reason why the case was not ved at the Pension Office seems to be that one board of surgeons refused to rate as now disabled. It does not appear when such examination was made, but in r of the subsequent examinations it was evidently a gross injustice. November 1884, a board of examining surgeons had claimant before them and they rate him e and one-fourth of total. This, however, did not satisfy the Pension Office, the applicant was sent before another board November 4, 1885, and they report t he was entitled to pension for "total" disability.

our committee are of opinion that they may safely rely upon the conclusion shed by these two full boards of examining surgeons, and therefore report back bill with a recommendation that it do pass, with an amendment: Insert at the of the bill "and pay him a pension at the rate of $20 per month."

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2315.

JANE CARR.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1431.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1431) granting a pension to Jane Carr, having examined the same, concur in the Senate printed report hereunto attached, and recommend the passage of the bill.

The petitioner is the widow of Calwell Carr, late a private in Company F, Thirteenth Regiment of Pennsylvania Volunteers, and who, during his lifetime, received a pension for disabilities incurred while in the service. The petitioner claims that his death, which occurred October 14, 1884, was the result of the disabilities for which he was pensioned.

The widow's claim for pension was rejected by the Commissioner of Pensions for for the reason that the mortality certificate, given by Donnel Hughes, M. D., of Philadelphia, attributed the cause of death to cancer of the stomach.

In a subsequent affidavit the same physician testifies as follows:

"Previous to making post-mortem examination affiant gave certificate of death, stating cause to be cancer in the stomach. First saw Calwell Carr about two weeks before his death; found him to be suffering from a severe abdominal inflammation of a chronic character. After death made an examination and found he had chronic inflammation of the peritoneum and enlarged and typical malarial liver. From a history of the case and from what was seen during life and from results of post-mortem examination, affiant believes all his ill health and early death were caused from exposure during his service in the Army."

In a subsequent affidavit he says:

"My opinion is that the man died from effects of peritonitis caused by the gunshot wound or from exposure at the time of the injury."

There is other medical testimony to the same effect.

Your committee report the bill favorably, with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2316.

ANN J. WILLIAMS.

MAY 7, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5422.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5422) granting arrears of pension to Ann J. Williams, respectfully report:

They find that Ann J. Williams, mother of Ebenezer Williams, late of Company A, First Regiment Nevada Volunteers, was granted a pension by special act, and that her name was placed on the pension-roll on the 14th day of February, 1885, and payment of said pension was made from said date.

Your committee see no reason why they should make an exception to their rule of not allowing arrears, in this case, and they therefore report adversely and ask that the bill be laid on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2317.

SARAH L. WETTER.

MAY 7, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6565.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6565) granting a pension to Sarah L. Wetter, respectfully report:

Your committee find that a similar bill was introduced in the Forty-eighth Congress in the Senate, and was reported back adversely.

A careful review of the papers and evidence in this case shows no reason why the former decision should be reversed, and your committee therefore adopt the report hereto attached, and ask that it be considered as their own.

[Senate Report No. 549, Forty-eighth Congress, first session.]

The petitioner states that she is the widow of Henry Wetter, who enlisted in the Eighth Pennsylvania Volunteers on April 30, 1861, and that her husband received a gunshot wound in August, 1862, which resulted in the loss of his right leg.

The petitioner claims that her husband, who was pensioned for his disability, died on the 16th of January, 1883, from a lump on his back caused by hard falls and the friction of the straps by which his artificial leg was suspended, aided by the imperfect circulation of the blood occasioned by the loss of the leg.

Dr. J. Frank Ross certifies that the immediate cause of death was colloid cancer, which, he believes, resulted from friction of the straps by which his artificial leg was suspended, and by the imperfect circulation of blood caused by the loss of his leg.

The Commissioner of Pensions rejected the claim on the ground that "colloid cancer, which caused the soldier's death, was not due to nor connected with the service."

Your committee are of the opinion that the soldier's death, resulting, as it did, from cancer more than twenty years after the date of the amputation of his leg, cannot be attributed in this case, more than in many other cases, to the loss of a limb, and that it would be unwise to establish such a precedent, except upon evidence which clearly establishes the fact that death was the direct result of the wound.

Your committee therefore report adversely, and recommend the indefinite postponement of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2318.

AMANDA F. WILSON.

MAY 7, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6890.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6890) granting a pension to Amanda F. Wilson, now respectfully report:

There is no evidence among the many papers in this case to show that Amanda F. Wilson, the claimant, ever applied to the Pension Bureau for pension. All the papers are in relation to her husband's claim, which was rejected. In the absence of any evidence or direct proof as to the dependence of widow, your committee feel compelled to ask that this bill do lie upon the table, and suggest that the widow make formal application to the Pension Office.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2319.

SAMUEL B. STEWART.

MAY 7, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2202.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2202) granting arrears of pension to Samuel B. Stewart, respectfully report:

This bill asks that the claimant be paid arrearages of pension at the rate of $4 per month from the date of his discharge, May 31, 1865, to April 12, 1884.

Your committee have been unwilling to grant arrearages of pension in any case whatever. Their doing so would undoubtedly create dissatisfaction among all who might consider themselves equally well entitled to receive it.

Your committee therefore report this bill adversely, and recommend that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2320.

KATESBURY R. WARRINGTON.

MAY 7, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5163.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5163) granting a pension to Katesbury R. Warrington, having examined this claim, respectfully report:

The basis of this claim is that Katesbury R. Warrington, while serving on board of the United States revenue cutter William H. Seward (while acting under the orders of a United States naval officer in the effort to raise the body of a drowned man), lost his arm by the premature discharge of a cannon.

The claim was rejected because at the time he received his alleged wound he was a civil employé of the Treasury Department and not an enlisted man of the Navy, nor was the vessel to which he was attached co-operating with the naval forces.

Your committee find no papers to substantiate the facts as averred other than the assertion of the claimant; and if the facts were proven it would be impossible for them to recommend the passage of the bill, the claimant appears to them not to have been in the naval force of the United States at the time he received the injury.

They therefore report the bill with an adverse recommendation, and recommend that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2321.

MRS. ANNIE C. OWEN.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PIDCOCK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1850.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1850) granting a pension to Mrs. Annie C. Owen, submit the following report:

The Senate Committee on Pensions have made the following report:

The evidence in this case shows that this officer entered the service as a second lieutenant in Company G, Fifty-seventh Pennsylvania Volunteers, on the 14th of December, 1861, and was discharged for disabilities, resulting from wound received while in the line of his duty, in October, 1862. From the testimony presented to the committee of his subsequent treatment at different periods for diseases growing out of such wound, resulting finally in his death from heart disease in June, 1876, your committee are of the opinion that said disease was superinduced by the wound received in the ribs at the battle of Malvern Hill, and they therefore recommend the passage of the bill.

Your committee adopt the above report and recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2322.

JOHN S. BRIDGES.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1169.]

The Committee on Invalid Pensions, to whom was referred Senate bill 1169, *beg leave to submit the following report:*

That they have examined Senate bill No. 1169, and the evidence in relation thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

Claimant enlisted as a private in Company C, One hundred and twentieth Regiment Illinois Volunteers, on the 14th day of August, 1862, and was discharged at Camp Butler, Illinois, September 15, 1865, by reason of expiration of term of service. In his original declaration he claims to have contracted heart disease in the line of his duty, viz, on a march from Memphis, Tenn., to Guntown, Miss., during which he was overheated. Officers and comrades corroborate this statement by affidavit. Medical testimony is furnished to show that he suffered from heart disease since the time of his discharge; that he is disqualified for severe manual labor, and that he was a sound man at the time of his enlistment. There is no record testimony bearing upon this case other than that which shows his presence on duty and his honorable discharge. The claimant testifies that he was treated by the regimental surgeon, Dr. Whitnall, who is dead, and that he is unable to procure further medical evidence.

Dr. John R. Clark testifies that the claimant was a sound and able-bodied man at the time of his enlistment, and that he was his family physician for five years prior to that event.

In view of the fact that the soldier was a healthy man when he went into the service, and that he came out of it broken in health and disqualified to perform manual labor, and that his disability increases with time, your committee recommend the passage of the bill.

The committee therefore recommend the passage of said bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2323.

KENNEDY G. BILLINGS.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LANDES, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2242.]

The Committee on Pensions, to whom was referred the petition of Kennedy G. Billings, asking to be restored to the pension-rolls, and for back pension, submit the following report:

The committee, after examination, find that at the outbreak of the war with Mexico Kennedy G. Billings enlisted as a lieutenant in Captain Canty's company of the regiment of South Carolina Volunteers, and served with distinction during that entire war, and, as is shown by the affidavit of T. J. Mackey, filed in this case, he fought with great bravery, doing honor to himself and his country, and at the time when his company became reduced, by casualties in battle, from one hundred and fifteen to but nine or ten men fit for duty, he voluntarily entered the ranks with a musket and fought at the battles of Chapultepec and at the Garita de Belen in the capacity of a private soldier.

That on the 10th day of January, 1854, a pension was granted said Billings, for services rendered his country in said war, at the rate of $17 per month, payable semi-annually on the 4th of March and the 4th of September, at the Charleston agency. That the pension so granted him was paid regularly up to the 4th day of September, 1860, when, without assigning any reason, the agent declined to pay him anything more, and he has received no payment on account of said pension since said last-mentioned date.

Your committee are of the opinion that said Billings should be restored to the pension-rolls at the rate of $17 per month, and to that end report the accompanying bill, with recommendation that it do pass, amended, however, by striking out all after the words "Mexican war," in the seventh line.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2324.

THOMAS C. DICKEY.

APRIL 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. TRIGG, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 7990.]

The Committee on Claims, who have considered the bill (H. R. 7990) for the relief of Thomas C. Dickey, which was referred to them, beg leave to report:

The facts in this case are fully and clearly set forth in the following letter from Hon. Edward C. Bryant, Assistant Attorney-General for the Post-Office Department, viz:

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., April 24, 1886.

SIR: I have the honor to acknowledge receipt of your communication of the 22d instant, inclosing bill (H. R. 7990) for the relief of Thomas C. Dickey, late postmaster at Murphy, N. C., and requesting that your committee be furnished such information relating to the claim made in said bill as may be on file in this Department.

In compliance with your request I have the honor to respectfully inform you that the said postmaster made satisfactory proof to this Department, that on the 31st day of October, 1881, he transmitted in the mail in a registered package $447 of money-order funds addressed to the postmaster at Knoxville, Tenn., that being the office in which he was required to deposit his surplus money-order funds. The package containing this money was never received at the depository office. The report of the inspector who investigated the case left no doubt that the registered package containing this money was stolen in transit and never recovered. His claim was considered by Postmaster-General Gresham and allowed as to $172, and disallowed as to $275 on the 21st of April, 1883. The reason for the disallowance of $275 was, that the postmaster had retained on his hands that amount as surplus money-order funds over and above what was necessary to meet unpaid advices on hand, and had failed promptly to remit the same to his depository office. The report of the inspector and the evidence showed that he had opportunity to transmit his surplus funds to Knoxville on Mondays, Wednesdays, and Fridays; that on the night of Tuesday, October 25, he had on hand $300 with unpaid advices of $25 only, thus leaving in hand $275, which should have been remitted on Wednesday morning, October 26. This he failed to do until the 31st of October, 1881, and then in the package which was stolen.

Section 1081 of the Postal Regulations is as follows:

"SEC. 1081. *Daily remittance of money-order funds.*—The money-order accounts must be kept separately from all other accounts, and must be adjusted at the close of each day's business, in order that the balance of money-order funds on hand may be accurately ascertained. Every dollar of money-order funds, in excess of a sum equal to the amount of the unpaid advices on hand less than two weeks, must be remitted daily to the designated office of the first class, where the postmaster shall have been instructed to make his deposits; but postmasters to whom a 'fixed reserve' is allowed may retain the amount of the 'fixed reserve,' and no more, except when the amount of such unpaid advices exceeds the 'fixed reserve,' in which event the postmaster may retain a sum, which, when added to the 'fixed reserve,' will equal the amount of his unpaid advices on hand less than two weeks. For instance, suppose the postmaster's fixed reserve is $100, and that he has advices on hand less than two

weeks to the amount of $175; in this case he will be at liberty to withhold from deposit only $75, in addition to his fixed reserve of $100. He will thus have $175 to meet the amount of such unpaid advices. In the total of unpaid advices on hand less than two weeks is to be included the amount of money-orders, payment of which has been refused, for the reason that the corresponding advices have not been received, but for which second advices have been requested from the issuing postmaster by the postmaster drawn upon."

And it has been the rule of the Department in passing upon such claims to disallow claims for credit for all sums lost n transit which were not promptly remitted in accordance with the above regulations. The act of March 17, 1882, under which these claims are adjusted by the Department, restricts the credits for lost remittances to such as are made in compliance with the instructions of the Postmaster-General.

The following is a copy of the opinion of Hon. A. A. Freeman, then Assistant Attorney-General for the Post-Office Department, upon which, presumably, the Postmaster-General disallowed the claim as to $275, too tardily remitted and thus lost:

"It appears that the claimant, postmaster at Murphy, N. C., remitted, in accordance with the regulations, on Monday, October 31, 1881, to the depository office at Knoxville, Tenn., $447 surplus money-order funds, and that the money was stolen and never recovered. It further appears that at the close of business, Tuesday, October 25, he had on hand of this amount $300, with unpaid advices of $25, and that he should have remitted his surplus, $275, on the following morning, October 26, but failed to do so. While, therefore, the final loss appears to have been without fault or negligence on the part of the postmaster, it seems that his failure to remit on Wednesday, as required by the regulations, increased the loss to the extent of the amount which he should have remitted, and for this he should be held responsible. I therefore recommend the allowance of the claim to the extent of $172, being the difference between the amount lost and the surplus on hand at the close of business Tuesday night."

The evidence on file shows that on Thursday, October 27, at 3 o'clock a. m., the building in which the post-office was kept was destroyed by fire, the postmaster losing nearly all he had in the world, having no insurance on the property destroyed; that the post-office funds were saved, and also the money-order books; that he failed to make the remittance in due time, because after the fire everything was in confusion, so much so that he transacted no business Thursday, Friday, or Saturday, and did not make the remittance until the following Monday.

The inspector who made report upon these facts says in his report:

"The misfortunes which have come upon the postmaster at Murphy, N. C., Mr. Dickey, have about broken him in purse and spirit, and if for dereliction he is required to meet all or even a portion of this loss, I suggest that the terms may be made as favorable as possible. He is an honest and worthy man, and a good citizen and postmaster."

The above appear to be all the material facts in respect to this claim and the disallowance of the sum which this bill seeks to restore to him. Should you desire copies of the somewhat voluminous papers in the case, they will be cheerfully furnished.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General for Post-Office Department.

Hon. WM. M. SPRINGER, M. C.,
House of Representatives.

Upon this statement of facts, which your committee find to be correct, they are of opinion that the claimant is clearly entitled to relief, and that he ought to be paid the said sum of $275. They therefore recommend that said bill (H. R. 7990) for the relief of said Thomas C. Dickey do pass.

O

ɔɔNGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2325.

J. HENRY RIVES.

886.—Committed to the Committee of the Whole House and ordered to be printed.

RIGG, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2951.]

nmittee on Claims, to whom was referred the bill (H. R. 2951) for elief of J. Henry Rives, have considered the same, and report as ts:

Committee on Ways and Means of the House of Representatives Forty-sixth Congress made a favorable report in this case (House No. 604), and the Senate Committee on Claims, Forty-eighth ss, also reported it favorably as follows, viz:

ves was collector of internal revenue for the fifth district of Virginia, and Henry his deputy. February 5, 1874, it was discovered that his deputy was zzler to the extent of $36,241, and that he had fled. Thereupon Mr. Rives mpt and efficient measures for his arrest and the recovery of the funds. The vas arrested, tried, convicted, and sentenced to four years in the Albany pen- r; and there was recovered from him in money and by sale of property over leaving a balance of deficit of about $5,234, which was ultimately paid by his It is evident that this result was very largely due to the promptness, energy, lity of Mr. Rives.

xpenses attendant upon the arrest and prosecution of the defaulting deputy 5.57, which was paid by Mr. Rives from his own funds. No appropriation, , was available to reimburse him. The claimant asks to be reimbursed the expended by him.

date of February 17, 1880, the Commissioner of Internal Revenue said, re- o this claim, in a letter to the Committee on Ways and Means of the House: Rives is entitled to commendation for the promptness and energy displayed in st and prosecution of this defaulting officer, and the recovery of the money, as all deposited within a reasonable time. * * * Under the circumstances this claim is entitled to your favorable consideration."

date of February 1, 1884, the Commissioner, answering a letter of inquiry s committee, said:

eply to the questions asked by the committee, I would state: First, that it does ar from the records of this office that the embezzlement of Deputy Henry through any carelessness or negligence on the part of Collector Rives; but, ontrary, it was reported that his deputy conducted his fraudulent transactions lly as to deceive the collector and evade the checks which had been estab- r the collector to prevent such frauds."

her appears from the Commissioner's letter that it was Rives's duty, under tice of the service, to cause to be arrested and prosecuted the defaulting de- ch duty not forming a part of the duties of the special agents of the Depart-

llowing is a statement of the expenses incurred by Collector Rives:

telegrams sent to insure the capture of J. C. Henry	$93 90
. Parrant $50, and S. H. Carrick $50, for arresting Henry	100 00
s of special deputy marshal sent in pursuit	100 00
ferent attorneys in civil suits to recover amount embezzled	581 67
	858 57

The committee are of the opinion that Collector Rives should be reimbursed for the amount expended by him in the capture and conviction of Henry, as it was, as appears from the letter of the Commissioner of Internal Revenue, his duty to cause Henry's arrest. The amounts paid to attorneys in the civil suits, however, should not be allowed, because such suits were brought by the collector to protect himself, as he was responsible for the amount of the embezzlement.

The committee therefore report back the bill with the following amendments: Strike out the words "eight hundred and eighty-five dollars and fifty-seven cents," in lines 5 and 6, and insert in place thereof the words "two hundred and ninety-three dollars and ninety cents;" in line 8, strike out the words "prosecution and conviction;" in lines 9 and 10, strike out the words "and the recovery of the money embezzled;" and recommend that the bill do pass as amended.

Your committee find the facts are correctly reported above, and they fully concur in said report, and adopt the same. The bill (H. R. 2951) which they have had under consideration is identical with the one reported by the said Senate Committee on Claims for the relief of said Rives, and your committee therefore recommend that said bill (H. R. 2951) do pass.

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2326.

DAVID H. HILDEBRAND.

. 1886.—Committed to the Committee of the Whole House and ordered to be printed.

EDDES, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8603.]

ommittee on War Claims, to whom was referred the claim of David H. Hildebrand, beg leave to report:

it the Committee on War Claims of the Forty-eighth Congress, not clearly and fully advised of all the facts in the case, referred it to ourt of Claims for a finding, under the provisions of an act en- "An act to afford assistance and relief to Congress and the Execu- Departments in the investigation of claims and demands against overnment," approved March 3, 1883. Said claim has been returned id Court of Claims to the committee, with the following findings ts, filed February 1, 1886:

Court of Claims.—David H. Hildebrand v. The United States.—Congressional case No. 188.]

Findings of fact.—Filed February 1, 1886.

case, referred by the Committee on War Claims of the House of Representa- nder the provisions of the act of March 3, 1883, chap. 116 (22 Stat. L. 485), hav- en heard by the court, the Attorney-General by his assistants appearing for the e and protection of the interests of the United States, the court upon the evi- finds the facts to be as follows:

I.

ing the war for the suppression of the rebellion there were taken from the claim- ree horses and two mules for which the claimant had paid the following prices: horse $225, for another horse $175, and for the third horse $163; for one mule or the other mule $175.

II.

horses and mules were taken under the following circumstances: About April , between 10 and 11 o'clock in the forenoon, a force of some 300 or 400 United mounted soldiers, commanded by an officer who represented himself to be a n, halted at claimant's house in Shelby County, Tennessee, and by the direction said commander seized and led away two horses and one mule. In the evening next day before sundown a similar force under similar circumstances seized the ing horse and mule.

III.

ing has been shown to identify the command, which was unknown to claimant; lne of the stock has not been shown further than as stated in Finding I; no re- or vouchers were given claimant or sought by him.

[illegible] HILDEBRAND.

[illegible]

[illegible] Committee on War Claims of the House of Representa-[illegible]

BY THE COURT.

[illegible]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[illegible] herewith reports a bill herewith providing for the payment of the amount found by said court and recommend that the same do pass.

[illegible]

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2327.

JAMES TUCKER.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GEDDES, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8604.]

The Committee on War Claims, to whom was referred the claim of James Tucker, beg leave to report:

That the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned by said Court of Claims to the committee with the following findings of fact, filed March 29, 1886:

[In the Court of Claims.—James Tucker *v.* The United States.—Congressional case No. 373.]

Findings of fact.—Filed March 29, 1886.

This case, referred by the Committee on War Claims, House of Representatives, under the provisions of the act of March 3, 1883, chap. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the interests of the United States, the cour, tupon the evidence, finds the facts to be as follows:

I.

The claimant, James Tucker, of Fayette County, Tennessee, did not give any aid or comfort to the rebellion during the late war, but was throughout that war loyal to the Government of the United States.

II.

During said war claimant resided in Fayette County, Tennessee, and two horses and two mules of the total value of $500 were taken from him the last of March, 1863, by some six or seven soldiers attached to General Grierson's command. It is not shown that these horses and mules were taken by order of competent authority, but it is shown that they were taken to the command and used by the United States troops.

The clerk will certify a copy hereof to the Committee on War Claims, House of Representatives.

BY THE COURT.

A true copy of record.
Test: This 30th day of March, A. D. 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee therefore report a bill herewith providing for the payment of the amount found by said court, and recommend that the same do pass.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2328.

AMERICUS V. WARR, ADMINISTRATOR.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GEDDES, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8605.]

The Committee on War Claims, to whom were referred findings of fact by the Court of Claims in the case of Americus V. Warr, administrator of Nicholas H. Isbell, against the United States, beg leave to report that the Committee on War Claims of the Forty-eighth Congress, not being clearly and fully advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883. Said claim has been returned by said Court of Claims with the following findings of fact, filed April 19, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

[In the Court of Claims.—Americus V. Warr, administrator of Nicholas H. Isbell, v. The United States.—Congressional case No. 201.]

At a Court of Claims held in the city of Washington on the 19th day of April, 1886 in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy be sent to the Committee on War Claims of the House of Representatives.

[In the Court of Claims.—Americus V. Warr, administrator of Nicholas H. Isbell, v. The United States.—Congressional case No. 210.]

Findings of fact.—Filed April 19, 1886.

This case, referred by the Committee on War Claims of the House of Representatives, under the provisions of the act of March 3, 1883, chapter 116 (22 Stat., L. 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the interests of the United States, the court, upon the evidence, finds the facts to be as follows:

I.

Nicholas H. Isbell, claimant's intestate, who died during the year 1879, did not give aid or comfort to the rebellion, but throughout the war for the suppression thereof was loyal to the Government of the United States.

II.

During said war said Isbell resided near Rossville, Fayette County, Tennessee, upon a farm of 3,000 acres belonging to him; of this, 1,200 acres were in cultivation, and the farm was well stocked with horses, cattle, sheep, and hogs, and he also owned a considerable quantity of cord-wood, lumber, railroad-ties, and had a good supply of provisions.

III.

In 1862 large quantities of military stores and supplies were seized in Tennessee and Mississippi, of which the following extract from the Personal Memoirs of General Grant (Vol. I, p. 435) may be regarded as accepted and authoritative history:

"After sending cavalry to drive Van Dorn away, my next order was to dispatch all

the wagons we had, under proper escort, to collect and bring in all supplies of fo and food from a region of 15 miles east and west of the road from our front bac Grand Junction, leaving two months' supplies for the families of those whose st were taken. I was amazed at the quantity of supplies the country afforded. showed we could have subsisted off the country for two months, instead of weeks, without going beyond the limits designated. This taught me a lesson w was taken advantage of later in the campaign, when our Army lived twenty with the issue of only five days' ration by the commissary. Our loss of supplies great at Holly Springs, but it was more than compensated for by those taken the country and by the lesson taught."

The defendants in this case, by their counsel, have offered in evidence and reque the court to incorporate in its findings eighteen orders issued in Tennessee and sissippi during the years 1862–'63 by General Grant, General Sherman, General Pherson, General Ross, and General Hurlbut, prohibiting pillage, and directing property be taken only by responsible commissioned officers, who should receip the owners therefor and keep accurate accounts thereof, and also providing that property should be taken up on the returns of post and brigade quartermasters commissaries, and should be regularly issued on proper returns and accounted fo the same manner as like property purchased by the Government. But the defenda not having produced the returns of such post and brigade quartermasters and c missaries, nor otherwise shown that the orders above referred to were carried i actual operation and effect, the court excludes the orders as being in legal effect ir evant evidence, and declines to encumber the record with the immaterial fact so son to be established.

IV.

During the last part of the year 1862 and the first part of the year 1863 a large fo of troops under command of General Grant encamped in the vicinity of Isbell's fa and being without supplies foraged upon the surrounding country to supply t wants, and took from said Isbell for the use of the service the following stores supplies of the values stated:

22 mules, of which 6 were worth $120 each, and 16 were worth $130 each; in all	$2,800
6,181 bushels corn, at 60 cents per bushel	3,70
18 tons fodder, at $10 per ton	180
900 cords wood, at $2 per cord	1,80
75,000 feet lumber, at $20 per M	1,50
2 4-horse wagons, at $75 each	150
1,000 railroad ties, at 40 cents each	40
24,300 pounds beef (on the hoof), at 6½ cents per pound	1,57
18,750 pounds pork (on foot), at 5 cents per pound	93
2,400 pounds bacon, at 7 cents per pound	16
550 pounds mutton, at 8½ cents per pound	4
320 gallons molasses at 64 cents per gallon	20

V.

These stores and supplies were taken by regular co mands under the directio officers, and to supply the pressing needs of the service.

VI.

Neither claimant nor his intestate has received any pay for said stores or suppl or for any portion thereof.

ORDER.

The clerk will transmit to the Committe on War Claims of the House of Represe atives a duly certified copy of the foregoing findings.

BY THE COUR

Court of Claims.
A true transcript of record.
Test: This 20th day of April, 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Clai

Your committee therefore report a bill herewith providing for payment of the amount found by said court, and recommend that same do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2329.

LUCIEN GOYAUX.

MAY 7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LYMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 990.]

The Committee on War Claims, to whom was referred the bill (H. R. 990) for the relief of the estate of Lucien Goyaux, have had the same under consideration, and present the following report:

This bill and S. 567 of the present session of Congress are identical in terms. The Committee on Claims of the Senate have made a favorable report thereon, in which your committee concur and which we adopt.

The following is the Senate report:

[Senate Report No. 503, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 567) for the relief of the estate of Lucien Goyaux, have had the same under consideration, and respectfully report:

This committee reported favorably a bill, of which bill S. 567 is a copy, at the first session of the Forty-seventh Congress, and also at the first session of the Forty-eighth Congress, at which last-named session the bill passed the Senate.

The committee adopt the report submitted through Senator Cameron at the Forty-eighth session, which was as follows:

"In August, 1862, Lucien Goyaux resided at Baton Rouge, La., and was engaged in the business of manufacturing and selling saddles, harness, and other goods usually kept in establishments of that kind. Col. Halbert E. Paine, colonel of the Fourth Wisconsin Infantry, was at that time in command at Baton Rouge. Soon after the battle of August 5, 1862, at Baton Rouge, Col. Halbert E. Paine, by Special Order No. 5, 1862, directed Maj. Frederick Frye, of the Ninth Connecticut Infantry, to collect horses and equipments to mount patrols detailed from the different regiments, and to take possession of such property as was necessary for that purpose and for the supplying of ambulances and transportation teams.

"Under and in pursuance of said order, Major Frye, on the 12th of August, 1862, took possession of Mr. Goyaux's store and his stock of saddles, harness, &c., contained therein.

"On the 6th of October, 1862, a board of survey, constituted under Special Order No. 45, of the Department of the Government of the Gulf, consisting of Col. H. E. Paine, Fourth Wisconsin Volunteers, Lieut. Col. O. W. Lull, Eighth New Hampshire Volunteers, and Capt. William Roy, Twenty-first Indiana Volunteers, was appointed by order of General W. T. Sherman, and directed to assemble at Camp Parapet on Thursday, October 6, 1862, at 10 o'clock a. m., to take proof, appraise, and report upon the stock of harness, &c., belonging to L. Goyaux, alleged to have been taken for the use of the forces of the United States by order of the commanding officer. This board assembled pursuant to the order, and on the 4th of January, 1863, reported to the commanding general that they had attended to the duty assigned them, and had taken all the testimony offered by the claimant, Goyaux, as well as the testimony

produced upon the part of the United States, and that it appeared from such testimony that Goyaux was the owner of the stock of goods, and that he was loyal to the United States, and they recommended the payment of $1,845, the value of the goods taken and used by the Army. This allowance was approved by Brig. Gen. W. T. Sherman, commanding.

"Subsequently, on the 6th of March, 1863, the matter was again investigated by a court of inquiry under Special Order No. 6. This court recommended that the claimant should be paid the sum of $1,545.

"The following are the items allowed the claimant by the two boards:

11	set of harness	$350 00
30	saddles	400 00
72	bridles, girths, and surcingles	150 00
150	whips	100 00
	Saddlery hardware	150 00
13	saddlebags	50 00
51	collars	75 00
1	wagon	60 00
1	dray	60 00
3	bales of moss, taken and used for hospital purposes	50 00
	Total	1,545 00

"In 1863 Goyaux presented his claim to the War Department for payment. It was investigated, and on the 23d of September, 1863, Chauncey Smith, the Solicitor of the War Department, made a decision thereon. He states as follows:

"'Upon the claim of Lucien Goyaux, I have the honor to report that in my opinion the loyalty of the claimant is fully established, and that he is justly entitled to a part, if not the whole, of the claim, but there is no appropriation out of which he can be paid by the Department.'

"Goyaux died November 20, 1871. He was a native of France, and it appears that his widow and children did not know that he had ever become a citizen of the United States. The widow and children of Goyaux caused the claim to be presented to the French and American Claims Commission, but upon investigation it was discovered that Goyaux had become a naturalized citizen of the United States in 1857, and, consequently, he being an American citizen, the French and American Claims Commission could not adjudicate the claim. The claim was cognizable before the Southern Claims Commission, but Goyaux died a few months after this commission was established, and it is satisfactorily shown that his legal representatives had no knowledge whatever that the claim could be considered by the Southern Claims Commission until long after that commission expired by limitation of law.

"The original claimant, Goyaux, was diligent in asserting his claim.

"We are satisfied that the property hereinbefore described was taken pursuant to the order of Colonel Paine, the commanding officer; that it was adapted to the use of the Army, and that it was actually used by the Army. We are also satisfied that it was of the value of $1,545.

"We therefore report back said bill, and recommend that it do pass."

There is no sufficient evidence upon which the committee is warranted in assuming that the persons named in the bill sustain the relations to the deceased claimant therein indicated, and the committee think, therefore, that the appropriation should be made to the legal representatives of Lucien Goyaux, deceased, rather than to specific persons. The committee therefore recommend that the bill be amended by striking out the words "Julia Enclin, as the widow, and with François Enclin and Leon Helvin, as the tutrix of Emma Goyaux, minor child," where they occur in the fourth, fifth, and sixth lines of the printed bill, and inserting in lieu thereof the words "the legal representative," and by inserting after the word "Goyaux," where the same occurs in the sixth line of said bill, the word "deceased," and that when so amended the bill do pass.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2330.

JOSEPH DIEHL.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

ΓMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8606.]

'ommittee on War Claims, to whom was referred the memorial of ph Diehl, of Moniteau County, Missouri, have had the same under ideration, and report as follows :

ı is a claim for $1,200, the alleged value of corn said to have aken and used by United States troops during the war. It was carefully investigated by the agents of the Quartermaster's De- ent, and rejected mainly because the claimant was not a citizen United States. The committee think that ought not to bar him, uch as he served during a portion of the war as an officer in the d States Army.

ıther ground for rejecting the claim was that it was not proved entire satisfaction of the Department that the corn taken was the amount claimed. The agents of the Quartermaster's De- ent, however, found that 1,000 bushels of corn were taken from ɾ the military authorities for the use of the troops, and that it was the sum of $250.

committee herewith report a bill for the payment of that amount, commend that the same do pass.

O

.YMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 5780.]

'ommittee on War Claims, to whom was referred the bill (H. R. 5780) the relief of Andrew I. Duncan, deceased, have had the same under ıideration, and report as follows:

ring the late civil war Andrew I. Duncan was a resident of Nash- Tenn., and was the owner of an estate on the Franklin pike, two west of the city of Nashville, which was his home, called "Waverly ," consisting of buildings, fencing, agricultural implements, trees,) the value as he alleges of $39,225, all of which he alleges was yed during the siege of Nashville in 1864, and the materials de- to the use of the troops of the United States. His claim was con- d by the Quartermaster's Department and not paid because the ermaster-General could not certify to his loyalty. Your commit- ; of the opinion that in this finding a manifest injustice was done The evidence clearly establishes that he was loyal to the Gov- nt of the United States, and any suspicions thrown thereon are antly explained and overcome. His claim was also presented to nthern Claims Commission, but before it was acted upon, as it the Commission expired by limitation.

ıpport of his claim, he files:

he affidavit of Charles H. Irwin, late quartermaster of volun- stationed at Nashville from August, 1862, to the close of the war. 'ell acquainted with Mr. Duncan, and the circumstances attend- ; destruction of his property. Certifies to Mr. Duncan's loyalty, timates the damages sustained by him at $28,825.

6. General George H. Thomas, commanding the Department of Cumberland, in Special Field Order No. 107, of April 24, 1875, pointed a board of survey who assessed the flamages sustained by Duncan at $18,136.54, and the proceedings of the board were appro by General Thomas.

Your committee think that the estate of Mr. Duncan should be p this last amount, and they recommend that the bill pass with the lowing amendments:

Strike out the words "William I. Wade," in the fourth line, and sert in lieu thereof the word "the."

Strike out the words "thirty-nine thousand two hundred and twe five," in the seventh and eighth lines, and insert in lieu thereof words "eighteen thousand one hundred and thirty-six."

Insert after the word "dollars," in the eighth line, the words "a fifty-five cents."

Add after the last word the following: "*Provided*, The same be cepted in full of all claims against the United States."

C

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2332.

CHARLES F. BOWERS.

7, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

LYMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill S. 224.]

Committee on War Claims, to whom was referred the bill (S. 224) for e relief of Charles F. Bowers, have had the same under consideration, d report as follows:

our committee concur in the Senate report on this bill, and recom- d its passage. The Senate report is as follows:

e Committee on Military Affairs, to whom was referred the bill (S. 224) for the of Charles F. Bowers, have examined the same, with the evidence presented, h is hereto annexed and made a part of this report.

e following are the communications referred to:

ter from Hon. John S. Williams, Third Auditor, Treasury Department.

orn communication by Lieut. Charles F. Bowers, as to destruction of property, nts, and vouchers.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., February 5, 1886.

: In conformity with your request of the 2d instant I have the honor to hand erewith copies of the undermentioned papers pertaining to the case of Charles wers, late lieutenant and regimental quartermaster Eighth New Jersey Volun- viz:

davit of Lieutenant Bowers, relative to the destruction of his papers pertaining property returns.

ter addressed to J. F. Rusling, relative to Lieutenant Bowers's case, July 10,

ter from C. F. Bowers to J. F. Rusling, July 12, 1885.

erring to Senate bill 222 for the relief of Lieutenant Bowers, I would state that date of August 9, 1882, he receipted to George H. Weeks for $230 quarter- r funds, and has never rendered any account thereof.

affidavit made by him October 11, 1862, has reference wholly to property ac- ability, and was filed by him in support of his property returns.

Very respectfully,

JNO. S. WILLIAMS,
Auditor.

. WM. J. SEWELL,
United States Senate.

f papers relating to accounts of Lieut. Charles F. Bowers, regimental quarter- er of Eighth Regiment New Jersey Volunteers, Third Brigade, Hooker's Divis- Third Corps, Army of the Potomac, contained in (1) one field-desk and placed certain other baggage of the brigade aboard the cars at Alexandria, Va., Aug- 5, 1862, to go to Warrenton, Va., with the troops of General Hooker's Division.

All invoices of clothing and camp and garrison equipage received by the said Charles F. Bowers, quartermaster Eighth New Jersey Volunteers, from officers ents of the United States Army from June 1, 1862 to August 20, 1862.

(2) All invoices of quartermaster's stores received by said Lieut. Charles F. Bowers quartermaster Eighth Regiment New Jersey Volunteers, from officers and agents o the United States Army, from June 1, 1862, to August 20, 1862.

(3) All requisitions and vouchers for clothing and camp and garrison equipage is sued, transferred, or turned in to officers and agents of the United States Army from June 1, 1862, to August 20, 1862.

(4) All requisitions and receipts of quartermaster stores issued, transferred, o turned in to officers and agents of the United States Army from June 1, 1862, to August 20, 1862.

(5) All memorandums and records of receipts, issues, and other business, and of all business transacted in the quartermaster's department by the said Lieut. Charles F. Bowers, quartermaster of the Eighth New Jersey Volunteers, from June 1, 1862, to August 20, 1862.

(6) All requisitions and receipts of issues made by Lieut. Charles F. Bowers, from July 6, 1862, to August 20, 1862, during the time said Lieut. Charles F. Bowers was acting assistant quartermaster of the Third Brigade, Hooker's Division, Third Corps, Army of the Potomac.

I certify that said field-desk, with the said contents after being thus placed aboard the cars at Alexandria, Va., on the said 25th day of August, 1862, was conveyed thereon with the troops of the brigade to Warrenton, Va.; that subsequently, with other baggage of the brigade, it was reconveyed by the cars to Bristow Station, where, on the morning of the 31st of August, 1862, it was burned, and its contents totally destroyed by the burning of the said train of cars by the order immediately of Maj. Gen. N. P. Banks, United States Volunteers. I further certify that the said order of Maj. Gen. N. P. Banks was a verbal order only, and that on an application for a written statement the said order was issued by him. He declined to give it on the ground that said order had emanated originally from Maj. Gen. John Pope, United States Volunteers, in the same verbal manner, and that the destruction of said train by order of Major-General Pope was now a matter of history. I further certify that the aforesaid loss did not occur through any fault or neglect of my own, but at the time of its occurrence I was absent from the brigade by order of Col. Joseph B. Carr, commanding the brigade.

CHAS. F. BOWERS,
Lieutenant and Regimental Quartermaster, Eighth New Jersey Volunteers.

Sworn before me this 11th day of October, 1862.

C. W. JOHNSON,
Second Lieutenant and Adjutant, Eighth New Jersey Volunteers.

I, James C. Sayers, do hereby certify that I was present when the order was given for the destruction of said train of cars by an officer said to be an aid to General Banks, and I further certify that said train of cars contained the private and public property of said Lieut. Charles F. Bowers, regimental quartermaster Eighth New Jersey Volunteers.

JAMES C. SAYERS,
Commissary Sergeant, Eighth Regiment New Jersey Volunteers.

It appears to the committee from the foregoing statements that this officer was unable to make the necessary returns and account for the property in his charge, in consequence of the destruction of his books and papers, as set forth by him, through orders emanating from competent military authority.

The committee therefore recommend the passage of the bill.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2333.

WILLIAM ERVIN.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ICHARDSON, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill S. 542.]

ommittee on War Claims, to whom was referred the bill (S. 542) for relief of William Ervin, having considered the same and accompany-papers, submit the following report:

committee, having a similar bill for relief of this claimant before after full consideration, on April 20, 1886, reported same to the with recommendation that it do pass. Said bill is H. R. 3713, ie report accompanying it is No. 1821. The committee recommend ssage of the Senate bill.

O

MES, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill H. R. 8607.]

mmittee on the Territories, to whom was referred the bill (H. R.) *entitled a bill to disapprove Chapter 49 of the acts of the legisla- assembly of the Territory of New Mexico, entitled "An act to pre- the introduction of diseased cattle into the Territory of New Mex- approved March* 19, 1884, *report as follows:*

bill disapproves and nullifies the act of the legislative assembly Territory of New Mexico, which prevents the driving or trans- on of cattle into that Territory, except under certain restrictions ing the inspection of cattle, payment of inspection fees, &c.

act prevents the driving or transporting of any cattle into the ory which within twelve months before their importation have ffected with or exposed to any contagious disease, or which have driven or transported from or through any district or country said disease was known to exist at the time of driving or trans- g, without the certificate as provided under the act is obtained.

owners of cattle proposing to drive or transport them into the ory are required to have them inspected, and pay a fee to the in- r of $1 per head for high-bred cattle, and 20 cents on lots of not ve hundred, and 10 cents per head for all droves or lots over five d; and 10 cents per mile for the distance traveled by the inspect- make such inspection.

ll be seen that this act places it within the power of these cattle tors to prohibit the introduction of the cattle into the Territory the whole year. If there is a mere rumor that the drove of to be inspected have, within twelve months, been within or trans- through a district or country where the disease is alleged to xisted they can be refused a certificate.

committee are informed that there is no danger of the com-

able and not in contravention of the Constitution of the United Stat regarding inter-State commerce.

The committee do not recommend the disapproval of the act as whole, leaving the Territory exposed to the introduction of diseas cattle without any regulations for inspection.

Your committee recommend that the substitute herewith submitt for the bill (H. R. 2418) be passed. This substitute disapproves much of the said act as prevents the driving or transporting of catt into the Territory on account of Texas fever during the months of Dece ber, January, February, and March of each year, leaving the said a in force as to the other portions of the year.

This substitute disapproves so much of the act as allows an inspect to charge an inspection fee of more than 10 cents per head for all c tle inspected.

Your commtttee therefore recommend that the bill (H. R. 2418) lie on the table, and the substitute herewith reported do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2335.

DISEASED CATTLE IN ARIZONA.

MAY 7, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. SYMES, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill H. R. 8608.]

The Committee on Territories, to whom was referred the bill (H. R. 4761) to disapprove No. 35 of the acts of the legislative assembly of the Territory of Arizona, entitled "An act to prevent the introduction of diseased cattle into the Territory of Arizona," approved March 2, 1885, report as follows:

This bill disapproves and nullifies the act of the legislative assembly of the Territory of Arizona, which prevents the driving or transportation of cattle into that Territory, except under certain restrictions regarding the inspection of cattle, payment of inspection fees, &c.

Said act prevents the driving or transporting of any cattle into the Territory which within twelve months before their importation have been affected with or exposed to any contagious disease, or which have been driven or transported from or through any district or country where said disease was known to exist at the time of driving or transporting, without the certificate as provided under the act is obtained.

The owners of cattle proposing to drive or transport them into the Territory are required to have them inspected and pay a fee to the inspector of twenty cents per head for lots of not over five hundred, and ten cents per head for all droves or lots over five hundred; and ten cents per mile for the distance traveled by the inspectors to make such inspection.

It will be seen that this act places it within the power of these cattle inspectors to prohibit the introduction of cattle into the Territory during a whole year. If there is a mere rumor that the drove of cattle to be inspected have, within twelve months, been within or transported through a district or country where the disease is alleged to have existed they can be refused a certificate.

Your committee are informed that there is no danger of the communication of the disease known as splenetic or Texas fever during the winter months. Under the act, the owners of cattle can be prevented from driving them into the Territory as well during the winter months as in the summer months. This amounts to almost an absolute inhibition of this important branch of inter-State commerce.

Your committee think there should be proper regulations to prevent the introduction of diseased cattle and the spread of such disease, and that the regulations attempted by the Territorial legislature should not

be disapproved or interferred with so long as they are reasonable and not in contravention of the Constitution of the United States regarding inter-State commerce.

The committee do not recommend the disapproval of the act as a whole, leaving the Territory exposed to the introduction of diseased cattle without any regulations for inspection.

Your committee recommend that the substitute herewith submitted for the bill (H. R. 4761) be passed. This substitute disapproves so much of the said act as prevents the driving or transporting of cattle into the Territory on account of Texas fever during the months of December, January, February, and March of each year, leaving the said act in force as to the other portions of the year.

This substitute disapproves of so much of the act as allows an inspector to charge an inspection fee of more than ten cents per head for all cattle inspected.

Your committee therefore recommend that the bill (H. R. 4761) do lie on the table, and that the substitute herewith reported do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2336.

INDIAN RESERVATIONS IN NORTHERN MONTANA.

MAY 10, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. NELSON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 8741.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2886) to provide permanent reservations for the Indians in Northern Montana, and for other purposes, have had the same under consideration, and respectfully submit the following report:

Provision having been made in the general Indian appropriation bill just passed for negotiating an agreement with said Indians respecting the matters covered by said bill, your committee deem it unwise and premature to take the action contemplated in said bill at this time; but inasmuch as the trade and commerce of the people of Montana and the adjacent country demand suitable railroad facilities through the Indian country, and as no railroads can be built until proper provision is made for granting right of way, your committee report the accompanying substitute, and recommend its passage, and that the said bill (H. R. 2886) do lie upon the table.

The substitute merely provides how railroad companies may secure right of way through the Indian reservation in Northern Montana. The fee-title in this so-called reservation is in the United States. The Indians are simply tenants at will (18 Statutes, page 28).

Sections 1 and 2 of the proposed substitute are identical with sections 1 and 2 of the act of March 3, 1875 (18 Statutes, page 482), granting right of way to railroads over the public lands of the United States. Section 3 of the proposed substitute makes provision for due compensation to the Indians for their possessory right, and otherwise guards and protects the interests of the Indians and the Government.

O

ɔx, from the Select Committee on Reform in the Civil Service, submitted the following

REPORT:

elect Committee on Reform in the Civil Service, to whom was referred resolution directing an inquiry into the charges against certain offi- of the House of Representatives, in connection with the appropria- of $50,000 by the Forty-eighth Congress to what is known as the ersonville, Ind., Levee, beg leave to report as follows :

ıt your committee met on the 2d day of April, 1886, and proceeded charge the duties imposed upon them by the House by its resolu- dopted on the 16th of March last, which reads as follows :

reas there is pending in the Forty-eighth Congress a bill containing, among natters, an appropriation of $50,000 for a certain improvement of the Ohio ıt or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation;

reas it is charged by a reputable citizen of Indiana that during the pendency measure a person or persons, then officers of the House of Representatives, l, collected, and accepted from a person or persons interested in the success of l appropriation a large sum of money upon the pretense or for the purpose of ring Congress, or some committee thereof, or Members or Senators in their offi- ion thereon; and

reas it is also charged that the person or persons so exacting, collecting, and ng said sum of money for the purpose aforesaid are officers and employés of use: Therefore,

resolved, That the Committee on Reform in the Civil Service be, and is hereby, ted to inquire into the truth of said charges and report the facts to this House; enable the said committee to thoroughly investigate said charges, it is hereby ized to send for persons and papers; and a sum sufficient to defray the neces- penses of this inquiry is hereby appropriated out of the contingent fund of the

ıt they have examined twenty witnesses, whose testimony is here- sent. That the facts extracted from this evidence appear to be

Willis, the chairman of the Committee on Rivers and Harbors, they would have to make their effort to secure an appropriation i Senate.

The visiting committee then interviewed Senators Voorhees and rison, and these gentlemen immediately took steps to secure an a priation, the former by the introduction of an amendment design be offered to the river and harbor bill when it should come fro House, and the latter by the introduction of a resolution calling the Secretary of War for necessary information respecting the d improvement. The action of this visiting committee and that of tors Voorhees and Harrison were the really influential factors in c ing the legislation which secured the appropriation for the lev Jeffersonville.

The result of the passage of the resolution of Senator Harriso a report by the local engineer, Colonel Merrill, dated April 19, which was transmitted by the Secretary of War to the Senate o [illegible] day of May, [illegible]

On the [illegible] day of April, [illegible] three days after the date of C Merrill's report, the council of the city of Jeffersonville appoin committee, consisting of the same persons included in the origina committee, to visit Washington in the interest of an appropriation. M [illegible] Mr. Simeon Goldback wa [illegible] and Mr. [illegible] came to Washington the latter p [illegible] about two weeks.

This committee did nothing, and in fact there was but little for to do, because the matter was in the care of Senators Voorhee Harrison, but as it appears by the evidence introduced in bel Messrs. Warder and Stealey, the last visiting committee left matt their charge, they being citizens of Jeffersonville, and then and no members of the House of Representatives.

Upon the return of this second committee to Jeffersonville, i early part of May, by the instructions of the levy committee of th council, Mr. A. O. Shuler, secretary, wrote to Mr. L. F. Warder a his advice as to the propriety of sending another committee to W ington. Shortly thereafter Mr. Warder wrote to the parties inte at Jeffersonville that he had secured the services of an attorney, [illegible] friend, or competent person, there being a conflict of evide to which term was used, to attend to this matter, and had made tract with him by which the said person was to be paid $250 cas $1,000 additional in the event of the success of the measure; a stated further in his communications that it was utterly useless t committees to Washington, but that the $250 should be forwar Mr. O. O. Stealey, which was done by Mr. Shuler.

From the time of these communications, in the early part of M to the time when the river and harbor bill had finally passed th ate, the evidence fails to disclose anything that Mr. Warder did, to speak, perhaps, occasionally to Senators Voorhees and Harriso frequently to Mr. Stealey, about the appropriation.

Mr. Warder testifies that in these conversations with Mr. Steal informed him that he purposed, and afterwards had, employed Hill as an attorney to look after the appropriation. He said no whatever, according to his own testimony, to either Senators Voo or Harrison, to Mr. Stockslager, his Representative, who took gre terest in the matter, or to any other person excepting Mr. Ste prior to the adjournment of Congress, of this employment of Hill

Mr. Warder claims in his testimony that he referred to Mr. Hill

he communication to Shuler asking for money, but, as hereto-
l, he did not name him in that communication.
rder went upon the witness stand before your committee in
efense, and when asked why and how he came to employ Hill,

ıut to state here the reason, or one of the reasons, why I employed Mr.
l become acquainted with him around the House. I saw him frequently
ouse there, often before Congress met, and that he was associating around
ırs of Congress, and we got up a talking acquaintance. It was just on
political national contest, and through and about it I became acquainted
nd found him to be the best posted man on the subject of levees and
ıts that I had talked with in Congress or out of Congress. That was
ıon that induced me to employ this man. I did employ him on a contin-
th the understanding that I should pay him $250. If the appropriation
:o be the end of it. If the appropriation was a success and we obtained
› have $1,000 contingent fee. To make the matter short, we obtained the
›n. I paid him the $1,000. That ended our connection, and, gentlemen,
ıout going into specific details, about my explanation of the matter.

eging is the voluntary statement of Mr. Warder in regard to
yment of Hill. Upon cross-examination he stated:

ıu say that Mr. Hill was a lawyer?—A. I understood him to be an attor-

do you know whether he is a lawyer or not?—A. Yes, sir; I might say I
a lawyer.
engaged in any other business?—A. Not that I know of. The reason
I know he is a lawyer, is that he has or had a lawyer's office. He told
was a Washington attorney, and practicing before the Supreme Court of
States, and I had no right to doubt what he told me.
acquaintance had been about how long before this employment?—A. A
wo, or three.
ıom was he first introduced to you?—A. I don't remember, Mr. Bayne,
was any introduction at all, as far as that was concerned.
long had you met him before this employment?—A. Oh, quite frequently.
ıw what he was engaged in, but he seemed to have some business here, as
the House quite often.
your meetings with him there?—A. I met him around my desk and in the
House, and in the corridors and lobbies.
he been recommended to you by anybody?—A. No, sir; I don't remember
ıs recommended by anybody.

* * * * * *

ou consult with anybody at all about employing him?—A. I consulted
tealey.
anybody else?—No, sir.
t was Mr. Stealey's advice in reference to his employment?—A. Mr. Stealey
had better employ him.
Mr. Stealey know Mr. Hill?—A. I do not know whether he did before that
t.
ıe know him at all?—A. I don't know whether he did or not.
you consult with anybody else in reference to it?—A. I did not.
you mention, in any of the communications which you wrote the people
ıville, or to the committee who visited Washington, the name of Mr. Hill
ty whom you had employed?—A. I did not see any of the committees that
ıshington until after Congress adjourned.
ı did you mention the fact outside of Mr. Stealey that Mr. Hill had been
?—A. Well, when I went home after the adjournment of Congress, I spoke
al parties.

* * * * * *

introduced you to him?—A. No one that I remember.
just struck up an acquaintance with him?—A. Yes, sir; a casual acquaint-

ou inquire into his standing, reliability, capacity, or anything of that sort
› this employment?—A. No, sir; because upon my own judgment of his
was satisfied upon that score.
ou post yourself as to whether he had any influence in connection with any
ıre Congress, or likely to be?—A. I did not. I believe he told me he had
with some matters, but I forget what they were, but it was in a legal way.
e said this, that he was paid $2,500 fee for writing a brief that did not
ıree days.

Now, it is in evidence that Mr. Warder was at one time mayor of tl city of Jeffersonville, at another time he had taken an active part promoting legislation by the State of Indiana, for the removal of tl county site to Jeffersonville, and, in his own language, "was in it up my his ears for three years." He had been an officer of the House Representatives since the first Monday in December, 1883. He ther fore had considerable experience in public affairs. In addition to th he [illegible] as a witness the characteristics and traits of an intellige [illegible] of the world.

The person Mr. E. N. Hill, whom he alleges he employed as an atto [illegible] connected with a number of public affair [illegible] upon the witness stand, although advis [illegible] and [illegible] and learned counsel, but the committee did.

He [illegible] that he was employed by Warder; that he received $2 [illegible] another: that he put the money in his pocke [illegible] account: that he gave receipts, which were pr [illegible] evidence: [illegible] to state what he did with the mone [illegible] that he used it as he needed it. He was ask [illegible] and he answered that he was licensed by the S preme Court of the United States, but had never practiced in th [illegible] he was asked if he had practiced in the courts of the District [illegible] he replied he never had: he was asked in what courts [illegible] and he replied in the Court of Claims and before the D partments, but when questioned as to cases he had or was interested i he failed to find more than two or three.

Your committee find, further, that the manner of Mr. Hill upon tl witness stand, together with the character of his evidence and his ant cedents, are such that they are disposed to place but little credence i any statements made by him which are not fully corroborated by e [illegible] circumstances, and that he is hardly the man whom an intell gent person would employ to conduct or manage an important busines affair.

According to his own testimony and also that of Mr. Warder, Hil rendered no effective service whatever in securing the appropriation fo Jeffersonville. He appeared before no committee, importuned no Con gressman or Senator, did absolutely nothing except to advise Mr. War der to make the fight in the Senate, and that the appropriation shoul be asked in aid of navigation and protection to Government propert and not to protect the city of Jeffersonville from inundations. Action ha been pending in the Senate for two and a half months prior to the al leged employment of Hill, as has been shown, and all measures propose looked to the protection of Government property. This was particular shown by the bill introduced by Mr. Stockslager on April 4, 1884, fiv weeks prior to the alleged employment of Hill.

In the face of these facts Mr. Warder testifies that he paid Hill $25 as a retainer and $1,000 after the approval of the bill by the Presiden This $1,000, it appears, was sent from Jeffersonville in response to th following dispatch sent by Warder:

WASHINGTON, D. C., *July* 2, 1884—9.45 a. m.

Mr. A. O. SHULER, *Jeff.*:

We expect to adjourn Saturday. Send draft to me at once, so that I will not [illegible] tained here. It is all right; but I will not pay until the bill is signed.

L. F. WARDER.

nd, according to the testimony of Warder and Hill, was paid to th after on the 6th of July, 1884.

is connection it is proper to state that throughout this investigation part of the committee, and notwithstanding the fact that several from Jeffersonville friendly to Mr. Warder, who stated that they ked with him on the subject, both at Jeffersonville after the ap- tion had been secured, and in Washington after they had reached ider subpœna from the committee, were placed on the stand and ned closely with a view of ascertaining the name of the attorney ential party who had been employed by Warder, the committee nable to ascertain it, and it was not until Mr. Warder had been o the witness stand by his counsel to testify in his own behalf e name of the party so employed was divulged.

alleged employment of such a man as Hill, under the circum- described, and the payment to him of so large a fee for so trivial ce is to the minds of your committee a doubtful and improbable tion; but in any event the fact that Mr. Warder suggested that should be raised, coupled with the fact that he received it under etense of securing legislation, is, they think, quite sufficient to decisive action on the part of the House of Representatives.

conduct on the part of an officer of the House is productive of l and reproach, and leads to erroneous impressions regarding the ter and integrity of those charged with the legislation of the y.

le the testimony established that no part of the $1,250 paid by ople of Jeffersonville was used or attempted to be used in cor- influencing any member of either branch of the Forty-eighth ess, your committee wish to put the most emphatic condemna- on the practice of an employé of Congress having anything to h the reception and payment of money, the consideration of is the promotion of legislation. In this view of the case the t of Mr. Warder in connection with the affair, even if honest and tforward, deserves unqualified disapproval.

iew of all the facts in the case, your committee find that L. F. r, then and now an employé of the House of Representatives, eive the sum of $1,250 from certain persons interested in the s of the Jeffersonville, Ind., levee appropriation, pending in the eighth Congress, upon the pretense of influencing Congress in tion therewith, and they recommend that L. F. Warder be dis- from the service of this House.

only other employé of the House of Representatives in any way ted with the charge under investigation is Mr. O. O. Stealey. It s that Mr. Stealey was cognizant of the employment of Hill, and Mr. Warder the sum of $250 for that alleged purpose, which as repaid Mr. Stealey by the citizens of Jeffersonville. While ealey did this, however, he explains his connection with the trans- as follows:

r. Stealey, please tell the committee what connection you had with procuring ee appropriation for Jeffersonville; when you first undertook it, and all about I am a citizen and tax-payer of Jeffersonville; all my interests are there, and ily lives there. They had floods there in 1883 and in 1884, which destroyed n pretty much, and I was asked by friends to assist here in Washington in se- his appropriation, which I did. I went to Senator Harrison frequently, and o Senator Voorhees, and to members of the House, and did all that man could is town in that respect.

* * * * * * *

nething was said about you having paid out $250.—A. I loaned Mr. Warder

at was that for?—A. He told me at the time that he wanted to or had em- n attorney. I asked him who the man was, and he said it was Hill. I then

asked him what he knew about the man and was he a good man, and he said, "I think so; I talked to him, and he seems to have a good idea of legislation." I then asked him where the money was to come from, and he answered, "Prominent tax-payers want this done, and I am authorized by Mr. Goldbach to employ an attorney, or some man to watch this bill."

Q. Did you tell him you could not give it much attention?—A. I told him so distinctly and positively. I was away a good deal of the time; I was two weeks in Chicago, and from the latter part of May until the 3d of June I was away from Washington, and from the latter part of June until the middle of July I was not here. And during that time no letter was written and no dispatch sent by me, and I had no communication whatever in any manner connected with the money or the employment of an attorney, except with Mr. Warder; and that was to let him have $250, which Mr. Shuler sent me a draft for in about six weeks. That ended my connection here with the whole business, except my personal efforts among members of the House and Senators.

Now, though, in the opinion of your committee, it is improper for any officer or employé of the House of Representatives to undertake, by his own efforts or those of his agents, to influence legislation in Congress, yet, so far as the present inquiry is concerned, your committee find that O. O. Stealey did not exact, collect, or accept from any person any sum of money upon the pretense or for the purpose of influencing Congress, or any committee thereof or any member or Senator, in connection with the Jeffersonville levee appropriation, and except the impropriety of an employé being concerned in any attempt to secure such an appropriation, said Stealey was not connected therewith.

All of which is respectfully submitted.

Resolution to accompany report.

Resolved, That L. F. Warder be dismissed from the service of the House.

APPROPRIATION FOR JEFFERSONVILLE LEVEE.

COMMITTEE ON REFORM IN THE CIVIL SERVICE,
Friday, April 2, 1886.

The Committee on Reform in the Civil Service, to whom was referred the resolution roduced by Mr. T. M. Browne, of Indiana, on the 18th of March last, relative to appropriation for the Jeffersonville, Ind., levee, met this morning for the purpose investigating the matter as instructed therein, Mr. Cox, chairman, presiding.

Hon. J. E. McDonald, of Indiana, Hon. Philip B. Thompson, of Kentucky, and Hon. J. Ellis, of Washington, D. C., appeared as counsel for the parties against whom e charges were made.

Mr. BROWNE, of Indiana, examined.

By the CHAIRMAN:

Question. What is your name?—Answer. Thomas M. Browne.

Q. Are you a Representative in Congress?—A. I am, sir.

Q. From?—A. The Sixth district of Indiana.

Q. You introduced this resolution?

The Clerk read the resolution, as follows:

"Whereas there was pending in the Forty-eighth Congress a bill containing, among her matters, an appropriation of $50,000 for a certain improvement of the Ohio ver at or near Jeffersonville, Ind., known as the Jeffersonville levee appropriation; d

"Whereas it is charged by a reputable citizen of Indiana that during the pendency said measure a person or persons, then officers of the House of Representatives, eted, collected, and accepted from a person or persons interested in the success of said appropriation a large sum of money upon the pretense or for the purpose of uencing Congress, or some committee thereof, or Members or Senators in their offi- l action thereon; and

"Whereas it is also charged that the person or persons so exacting, collecting, and epting said sum of money for the purpose aforesaid are officers and employés of House: Therefore,

"*Be it resolved*, That the Committee on Reform in the Civil Service be, and is hereby, tructed to inquire into the truth of said charges and report the facts to this House; l to enable the said committee to thoroughly investigate said charges, it is hereby thorized to send for persons and papers; and a sum sufficient to defray the neces- y expenses of this inquiry is hereby appropriated out of the contingent fund of the use."

A. Yes, sir.

The CHAIRMAN. We would like to hear any statement from you concerning the tter of the resolution.

Mr. BROWNE. Mr. Chairman, I did not expect a call, and appear at your instance, d am entirely willing to answer any question.

The CHAIRMAN. You laid before me, in a Representative capacity, certain papers?

Mr. BROWNE. I gave the papers to you, Mr. Chairman, that you might be advised to the person by whom the charge was made and the witnesses by whom it will supported. Indeed, I put into your possession all the papers I had that I thought aterial to the investigation. At the time they were presented I had never seen any the persons who have been called on as witnesses, nor did I know them personally. believe I never met—I do not remember to have met—either of the gentlemen whose mes have been given as witnesses in support of the resolution I introduced. I now of them by reputation, and have had information of them from gentlemen of eputation with whom I am acquainted and who are acquainted with them.

Q. Do you know anything of the facts personally?—A. Nothing further, sir, except, u you ask and I desire to state the whole facts, that I had a short interview with Mr. Warder. It was an interview that was gotten up before this investigation was

inaugurated, and what occurred between him and myself I do not regard as material to the investigation at all. It was a conversation of such a character as I think I ought not to refer to beyond what I have said in connection with it.

The CHAIRMAN. The purpose of making these inquiries, general, was to show how these papers came into the possession of the committee.

Mr. BROWNE recognized the papers produced.

Mr. BLANCHARD. I suggest that they be filed.

Mr. ELLIS. May we look at them?

Mr. BLANCHARD. I think they had better be read.

The clerk read as follows:

EXHIBIT 1.

JEFFERSONVILLE, IND., *March* 11, 1886.

DEAR SIR: I beg leave to inform you, and through you the House of Representatives, United States, of which you are an honorable member, that Luther F. Warder and O. O. Stealey, the said Warder being at the time assistant doorkeeper of the House, and the said Stealey clerk of a committee thereof, as such attachés or employés were guilty of the following malfeasance or official misconduct, viz:

That on or about July 2, 1884, said Warder and Stealey were guilty of obtaining, collecting, receiving, and using money to influence members of said House and of the committee thereof in the matter of the appropriation of $50,000 for the improvement of the Ohio River, and for the protection of the Government property at the city of Jeffersonville, Ind. (being commonly known as the Jeffersonville levee appropriation.) To establish the truth of said charges I rely upon the telegram of which the following is a copy, viz:

WASHINGTON, *July* 2, 1884—9.45 a. m.

Mr. A. O. SHULER, *Jeffersonville:*

We expect to adjourn Saturday. Send draft to me at once, so I will not be detained here. It is all right, but I will not pay until the bill is signed.

L. F. WARDER.

And the following witnesses: A. O. Shuler, George W. Lewman, Herman Proefer, E. C. Eakin, Abram Schwaninger, Adolph I. Frank, George W. Baxter, Jonathan E. Thickston, Joseph Jackson, Mr. —— Biggert, operator, A. J. Burlingame, C. W. Prather, John Adams, John F. Read, Hon. Jonas G. Howard, Dr. S. C. Taggert, the original telegram of which the foregoing is a copy, and the agent at Washington who sent the same. The amount of money obtained, collected, received and used by said Warder and Stealey, was $1,250; of said sum $250 was obtained and used but a short time prior to the date of said telegram, and $1,000 but a few days thereafter.

Hoping and believing that you will at once take proper steps to have this matter rigidly investigated, I remain,

Yours, very truly,

JOHN M. GLASS.

Hon. THOMAS M. BROWNE,
Washington, D. C.

EXHIBIT 2.

[J. M. Glass, real estate agent; residence, 143 West Market street.]

JEFFERSONVILLE, IND., *February* 10, 1886.

DEAR SIR: Some time ago I wrote you about investigating the matter of our city paying a bill of $1,250 to a couple of employés of the House for securing the passage of the appropriation bill of $50,000 to build a levee at Jeffersonville. I shall inclose a true copy of a telegram from Washington which called for $1,000, $250 having been paid before. Mr. A. O. Shuler and the members of the council and mayor are all witnesses that the money was demanded and paid. As it is a reflection on the Senate and House and an outrage on the burdened tax-payers of this city, I trust you will investigate the same, so that the people may understand where the money went.

Very truly, yours,

JOHN M. GLASS.

Hon. BENJ. HARRISON,
United States Senator, Washington, D. C.

EXHIBIT 3.

WASHINGTON, D. C., *July* 2, 1884—9.45 a. m.

Mr. A. O. SHULER, *Jeff.*:

We expect to adjourn Saturday. Send draft to me at once, so that I will not be detained here. It is all right; but I will not pay until the bill is signed.

L. F. WARDER.

The above call was for $1,000; a true copy of original telegram.

Mr. FARQUHAR. Is that a certified copy of the telegram?

The CLERK. It is not.

EXHIBIT 4.

[From Louisville Evening Post, June 15, 1885, referring to the action of the city council of Jeffersonville.]

"That $1,329. Every day the tax-payers of this city become more and more indignant toward the councilmen for their action in regard to throwing away $1,329 of the city money when our city debt is already nearly $400,000. But few are acquainted with the true inwardness of the city dads' deal with a newspaper crank of Washington and an ex-assistant doorkeeper of the lower House of Congress. It ought to cause a blush of shame to mount the cheeks of our councilmen whenever they think of this infernal, illegitimate transaction. The following conversation between one of the city councilmen and the Post reporter will throw some light upon this matter, and is given for the benefit of the uninformed: 'The tax-payers of the city are very indignant at the action of the council in voting away $1,329 of the city's money,' remarked the reporter. 'Yes, but they should remember the incalculable benefit to be derived,' replied the councilman. 'They admit that $1,329 would be a small sum to pay for an improvement that would be of so vast benefit to the city, but would like to know the money was legitimately expended and who got it.' 'Luther Warder and O. O. Stealey got the money,' replied the councilman, 'and as to whether they spent it or what they did with it I do not know. Anyway, we got the appropriation.' He partially admitted that the influence of neither of the pair amounted to anything, but gave the reporter to understand that it was better to pay this amount than to have the project defeated. The mayor informed the Post reporter this morning that he had given the people ample time to get out an injunction to restrain him from signing the order for the payment of the money and he would sign it to-day. 'If there was any chance for getting the money back from Warder and Stealey I would never sign it, but there is no way to get it back.' When asked what would be the result if he refused to sign the order at all, 'Well, the council would impeach me and the order would be signed, nevertheless.'"

Mr. BROWNE. If you will indulge me in just a word I will state that those papers were handed in simply to turn the attention of the committee toward the investigation, not as evidence in the case.

The CHAIRMAN. So I understood it.

Mr. BROWNE. It is due that I should say that the letter addressed by Mr. Glass to myself was in response to a letter of mine, and originated in this way. Senator Harrison had delivered these papers (some of them) to me, and suggested that as the inquiry was one concerning the House and its employés, that this investigation ought to be had here. I was unwilling to introduce resolutions upon mere letters and newspaper articles of that kind, and so stated to him; and I wrote to Jeffersonville—to Mr. Glass and others—that before I would take steps to inaugurate an investigation that might reflect on gentlemen, I must have specific charges in writing, signed by some responsible and reputable person. When that was done I would take the initiative; and in response to this came the letter that appears to have been addressed to me.

JOHN M. GLASS sworn and examined.

By the CHAIRMAN:

Question. What is your full name, Mr. Glass?—Answer. John M. Glass.

Q. What is your age?—A. Forty-four years of age.

Q. Where do you reside?—A. Jeffersonville, Ind.

Q. What is your occupation?—Well, sir, I am a real-estate agent now.

Q. Mr. Glass, you have heard the resolution read which was introduced before the House, have you?—A. Yes, sir.

Q. You are the party that wrote the letter that was read just now, addressed to Mr. Browne?—A. Yes, sir.

Q. Please state to the committee anything you know connecting any employé of the House at this time with the matter therein mentioned.—A. The letter is about what I know, with the telegram.

Q. Independent of the letter, state what you know.—A. In the first place, you want me to state what I heard.

Q. There was an appropriation for Jeffersonville for the building of a wall?—A. No, sir; for the building of a levee.

By Mr. BLANCHARD. Perhaps it would be well for him to state if he had an official position during that period in Jeffersonville.

By the CHAIRMAN (to witness). You can state to the committee what connection you had with the city of Jeffersonville.—A. I was mayor of Jeffersonville at the time this appropriation was made.

Q. Just go on and state what you know about the matter.—A. About the first that I ever heard of any money consideration, I think, may be, I was at Indianapolis and had returned and heard something about it, and the next I heard was that Shuler submitted this telegram to me and wanted me to call the council together.

Q. Was he a member of the council? What was his name?—A. A. O. Shuler; he was.

Q. He wanted the council called together that evening, to send off a thousand dollars in money for that purpose?—A. He asked me to read the telegram. I read it, and that was what the telegram claimed—that is, that was the meaning of it—that there was to be a thousand dollars sent in cash.

Q. What was done?—A. I refused to call the council together, and objected to sending the money. I said I did not think it was right; I did not think it was necessary, and refused to convene the council.

Q. Well, what then? State all that occurred.—A. I believe at that time that was about all that did occur between me and Mr. Shuler. I protested against sending the money. I did not think it was right and would not call the council.

Q. Was anything said about what was the object in sending the money?—A. It was for the purpose of securing the passage of this appropriation.

By Mr. FARQUHAR. The appropriation was made?—A. Yes, sir.

By the CHAIRMAN. As near as you can, give the conversation, when it was they approached you, and all about it?—A. My impression is that it was about 11 o'clock in the morning, may be after that; I think it was in the forenoon, sir, when he approached me. I was in my office and he showed me the telegram.

By Mr. BLANCHARD:

Q. In the mayor's office?—A. Yes, sir; and then he told me what it meant, and he had a call for the money. I asked him what he wanted me to do, and he said: "Call the council together, and raise this money;" and I told him I did not think it would be advisable, and did not think it was right.

Q. Had anything ever been said in connection with this matter in a meeting of the town council?—A. I do not think that there had.

Q. Had the matter been discussed at an informal meeting of the council?—A. I understand that it had, a few days before, or a day or two; that there had been something said about it.

Q. Who was present?—A. Those gentlemen that I gave you the names of.

Q. All of them?—A. I think Mr. Schwaninger and Mr. Frank, and Mr. Eakin, I think. I am not certain of that.

Q. Have you ever visited Washington in connection with this appropriation?—A. No, sir.

Q. Who did?—A. Mr. Howard and Mr. Fogg and Mr. Clark—Hon. Jonas G. Howard.

By Mr. FARQUHAR:

Q. What official position did he hold?—A. He was not in office at that time; he was a lawyer.

By the CHAIRMAN:

Q. What are the initials of Mr. Fogg and Mr. Clark?—A. W. H. Fogg and A. O. or O. A. Clark; I am not positive which letter comes first.

Q. Any of them connected with the city government at that time?—A. I do not think they were; I think not at that time. They were appointed a committee to come on here and see about this.

Q. Appointed a committee by any meeting of the citizens of the town, or an informal meeting of the council?—A. The council appointed them.

Q. What time was that that they came?—A. I declare I cannot state exactly what time it was, but it was a good while before that time; probably in May or April; I not certain about that.

Q. Mr. Glass, you will please state anything that you know in regard to the passage of this bill, as you heard it from any individual?—A. I have been told——

Q. Who by?—A. By Mr. S. M. Stockslager, a member at the last session, that the

bill started in the Senate—I do not know that I can explain how—and was referred to a committee of the House and was favorably passed on in the House. I understood Mr. Stockslager to say, I think, that there might be some objection to it in the House, and he would rather it was started from the Senate—originated in the Senate.

Q. Anything else that you know?—A. I do not know that there is, but what I have said here; only what I have heard from people there—general talk around our place.

By Mr. BLANCHARD:

Q. These gentlemen who came on by authority of the city council in the interest of this Jeffersonville appropriation were a delegation, I presume, were they not, to present this matter before the appropriate committee of the House?—A. Yes, sir.

Q. And ask that the appropriation be ingrafted in the river and harbor bill; is that your understanding?—A. Yes, sir.

Q. Did one or two delegations come on?—A. Two.

Q. Who composed the second?—A. Mr. Clark and Mr. Goldbach, sir. The second delegation should have been just the same as the first one, but Mr. Howard could not come and Mr. Fogg did not come. I think Mr. Goldbach came in Mr. Howard's place. Mr. Simeon Goldbach is his full name.

Q. Mr. Clark is the same Clark who was a member of the first delegation?—A. Yes, sir.

Q. Was the second delegation authorized to come by action of the city council?—A. Mr. Clark was authorized to come by action of the city council; Mr. Goldbach, I do not think, was.

Q. He came merely as company for Mr. Clark?—A. Yes, sir.

Q. Well, Mr. Glass, when Mr. Shuler approached you with this telegram, was that after both these delegations had returned from Washington?—A. I think it was; though I am not certain as to that. I think it was.

Q. When you declined to call the city council together, as requested by Mr. Shuler, to consider, as I understand it, the contents of that dispatch and take action thereon, what did Mr. Shuler say to you?—A. I do not recollect just what he did say. I do not think there was much said. I think he retired from my office and went out and tried to call the council together himself.

Q. Himself?—A. Yes, sir.

Q. Did he succeed in calling it together?—A. They had no meeting that evening.

Q. When did you retire from the office of mayor of Jeffersonville?—A. May, 1885.

Q. Now, it was in 1884 that Mr. Shuler approached you with that telegram?—A. Yes, sir.

Q. About what time in 1884?—A. The telegram is dated July 2. I think it was the same day.

Q. Did Mr. Shuler say at that time that the money was to be raised in pursuance of the request of that telegram?—A. I do not remember that he did say that. But he went to work to raise the money, and they did raise it.

Q. How do you know that?—A. I only know that from what I heard.

Q. What did you hear in that connection?—A. I heard that they raised the money at the Citizens' National Bank, and sent it on.

Q. What method did they adopt to raise it?—A. By a joint note, given by citizens; probably some of the members of the council.

Q. Can you give the names of the parties who signed that note?—A. I can name the parties that I heard signed it—E. C. Eakin, George W. Lewman, John F. Read, and E. J. Howard; and I heard that Hon. Jonas G. Howard is on the note.

Q. Did you hear that the names of Shuler and T. A. Graham were on it?—A. I think I did.

Q. Was it known in Jeffersonville amongst the citizens that the money had been raised in that way from the bank?—A. Oh, yes, sir.

Q. It was a matter of notoriety there?—A. Yes, sir.

Q. How was that note met when it matured; was it met by the gentlemen who indorsed it, or by the city council at Jeffersonville?—A. I can only say what I heard about that. I heard that it was arranged that it was to be carried on, and was paid about the 10th of June, 1885; and it was ordered paid by the council.

Q. Then, it was met by the council, and not by the parties who made the note?—A. The gentlemen who had given the note were reimbursed the money so paid.

Q. Did they pay the note or was the note met by the city council?—A. I cannot say as to that.

Q. Now, Mr. Glass, that newspaper article refers to $1,329, whereas the amount you speak of in connection with the telegram was $1,250. Was that difference between the two the interest on the note that was paid by the city council?—A. That is my understanding about it.

Q. During the time you were mayor of Jeffersonville, Mr. Glass, had the city coun-

cil, or yourself, as mayor of that town, authorized the employment of any one here in connection with that appropriation?—A. Never, that I knew of, sir.

Q. Was there any resolution ever adopted by the city council in reference to that matter?

The WITNESS. The employment of any person here?

Mr. BLANCHARD. Yes, sir.

A. I think not.

Q. Was there any ever introduced by any member of the council relative to the employment of anybody here?—A. Not to my recollection.

Q. The city council sent these delegations in the interest of this appropriation. Did they pay the expenses of those gentlemen here and return?—A. The first time that the delegation came it was not paid by the council. I procured passage for Hon. J. G. Howard, W. H. Fogg, and O. A. Clarke on the Jeffersonville, Madison & Indianapolis Railroad, which is connected with the Pennsylvania road, and they came to Washington. When they returned we paid their expenses out of the funds of the relief committee. It was a hundred and some few dollars. The first bill of expenses we met.

Mr. BLANCHARD. Relief committee? Had you a relief committee?

The WITNESS. Yes, sir.

Q. Who was at the head of that committee?—A. I was.

Q. Mr. Glass, when these delegations returned, did they report at any time, officially or otherwise, to you or your city council of Jeffersonville, that they had employed any one here to represent the interests of Jeffersonville in respect to that appropriation?—A. Not to my recollection. They made an official report of what they had done when they came back; and we thought that everything was all right, and that the appropriation would be made.

Q. Did they state in that connection that any one was engaged here?—A. No, sir; It was understood that Mr. Stealey and Mr. Warder would do what they could for it.

Q. Who understood?—A. That was the understanding with them—with our people.

Q. Why? Were those gentlemen both from Jeffersonville?—A. Yes, sir; Mr. Warder resides there, and Mr. Stealey used to live there.

Q. Was it thought for that reason that they would do what they could to bring about this appropriation?—A. Our people thought so.

Q. Did you ever hear, in connection with this matter, that these gentlemen had been employed prior to that telegram that Mr. Shuler showed you?—A. I never had, sir.

Q. Who is mayor at Jeffersonville now?—A. Herman Preeffer.

By the CHAIRMAN:

Q. What relief fund was that you spoke of?—A. The general relief fund sent by people from all over the country for the flood sufferers.

Q. For what purpose?—A. For the relief of flood sufferers.

Q. This appropriation was obtained. Has the work been carried on?—A. Yes; it is about finished.

Q. By the United States Government?—A. Yes, sir.

Q. Had the city council anything to do with that?—A. Nothing more than to furnish the right of way to the Government.

Q. You mention $250 in connection with Mr Stealey. How was that raised?—A. My understanding was that the money was sent to Mr. Stealey. The whole amount was to be sent to Mr. Warder and Mr. Stealey.

Q. And how was that raised—that $250?—A. I do not know how they raised it. I think the understanding was that if the bill did not pass there would be no more required; but if it passed it would take $1,250.

Q. You recollect no party you understood that from?—A. I heard that after this thing was talked of. I cannot just name them; probably Mr. Schwaninger.

By Mr. STONE, of Missouri:

Q. Mr. Glass, when were you elected mayor of Jeffersonville?—A. In 1883, I believe, sir. I served two years.

Q. And held on to May, 1885?—A. Yes, sir.

Q. This money was raised and sent here in 1884?—A. Yes, sir.

Q. The first $250—how do you say that was raised?—A. I do not know how that was raised.

Q. Who raised it?—A. Some members of the council and the city treasurer.

Q. Do you know that it was raised at all?—A. Only from what I heard.

Q. As a matter of rumor?—A. That is the way I made my statement.

Q. For what purpose was it raised?—A. Raised for the purpose named.

Q. For the purpose of being used here in the passage of this appropriation?—A. Yes, sir.

Q. You say that is your understanding. With whom was that understanding made?—A. That was my understanding; that was what I heard about it.

Q. You heard that some citizens had raised $250 and sent here to those two gentlemen to be used in that way?—A. I think I might have heard that the city treasurer sent it, possibly.

Q. You were mayor. Did you sign the warrants?—A. No, sir.

Q. Had you anything to do with the treasurer?—A. Well, nothing more than I was mayor at that time, sir. There was never any warrant drawn.

Q. Was it proper for you to sign the warrants?—A. I have to sign the vouchers.

Q. In order for the money to be properly drawn you should have signed some paper?—A. Any money paid by the council would be ordered by the council, and I would sign the order.

Q. You signed no such order. Do you know whether the books of the treasurer show, or whether as a matter of fact, this money was paid out of the treasury without any order?—A. Not as a matter of fact.

Mr. FARQUHAR. Let me suggest. Who was treasurer?

The WITNESS. Calvin W. Prather.

By Mr. STONE:

Q. Where is he now?—A. In Jeffersonville, I presume.

Q. Is he still treasurer?—A. Yes, sir.

Q. The $1,000 was raised, as I understand, by note signed by several gentlemen whose names you have given?—A. That is what I have heard.

Q. And you have heard was subsequently paid over to the bank or to the makers of the note out of moneys belonging to the city?—A. Yes, sir.

Q. Was that payment made by the city during your administration?—A. No, sir.

Q. When was that made?—A. I said about the 10th of June, 1885.

Q. When did you first learn it was made, or it had been made?—A. Why, there was considerable talk about it on the streets, and this newspaper paragraph that was read some time ago was published.

Q. When did you first learn that the $1,000 had been sent here at all?—A. A few days after Mr. Shuler presented this telegram to me.

Q. Do you understand that it had been sent here to procure the passage of the law?—A. That was my understanding.

Q. By Mr. Stealey and Mr. Warder?—A. Warder and Stealey were to use it in some way.

Q. In what way did you understand it was to be used?—A. I do not know that I did understand.

Q. Why did you object to calling the council together?—A. Because I was opposed to sending the money.

Q. Well, because of resistance to it, or because of the principle of it?—A. Because of the principle of it.

Q. Well, what principle was involved in it that you objected to?—A. I did not think that it was necessary to pay anything.

Q. Did you understand the money was to be corruptly used here?—A. That was the view I took of it.

Q. And when you learned it was sent to the hands of these gentlemen you supposed it was going to be used in that way?—A. Yes, sir.

Q. And you had that knowledge and that impression as early as June, 1884?—A. July.

Q. When did you first communicate with General Browne concerning this matter?—A. I cannot just state. It has been something like a month or so ago, and probably more.

Q. When did you first suggest this investigation?—A. The letter I sent to Senator Harrison was the first suggestion.

Q. About when was that?—A. The letter was read. I cannot remember the date.

Q. Was there any reason that you did not notify your Representative here at the time that this bill was passing that you understood money was here and being used in that way?—A. No, sir; I do not think I had any.

Q. Did you suggest any investigation at that time?—A. No, sir.

Q. Was there any reason for you to allow two years to pass without informing your member that this money had been sent here?—A. The reason was that when that money was sent here it was nothing to me as a tax-payer, if that money had been sent here by private citizens and not out of moneys of the city.

Q. The $250 you understood had been paid out of the city treasury?—A. I understood that it had been paid back; I afterwards heard it had.

By Mr. LEHLBACH:

Q. When you had the conversation with the alderman or member of the council about the $1,000, and he asked you to call a special meeting of the council—from the conversation you had with that gentleman did you suppose that this money was to be corruptly used to influence the passage of the bill?—A. That was my understanding.

Q. Did his conversation lead you to think so?—A. His conversation, as I recollect it, was that if we did not send the money the bill would not pass.

Q. And from that conversation you drew the inference that the money was to be corruptly used?—A. Yes, sir.

By Mr. FARQUHAR:

Q. Who was the Representative in Congress on July 2, 1884?—A. Mr. S. M. Stockslager.

Q. Did you, while mayor of that city, have any communication with your member of Congress in respect to this appropriation for the levee?—A. Yes, sir.

Q. Did Mr. Stockslager at any time express any doubts as to the passage of this appropriation of $50,000?—A. The only suggestion that I think he made was that it would be best to start it in the Senate—I think I have a letter from him to that effect—but that in due time it would pass.

Q. Had any of your visiting committees to Washington proposed that Warder and Stealey should help through this appropriation?—A. I think that they wanted them to use their influence in our behalf.

Q. Do you of your own knowledge know whether their services and help were voluntary or asked by your delegations?—A. Well, I do not know about that. I supposed that they asked them; and it was supposed they would do what they could.

By Mr. STONE:

Q. Who asked them?—A. The committee or delegation.

By Mr. FARQUHAR:

Q. Do you know of your own knowledge that it was material that other parties than your own member of Congress should watch that appropriation and endeavor to secure its passage—that is, make it secure in passing? Was that your impression at Jeffersonville, that it needed some one here to watch it?—A. It was not mine.

Q. Was that the impression of those who raised this money?—A. I suppose it was, sir.

Q. Other than their Representative and the delegations that have been here, when Mr. Warder and Mr. Stealey were selected to see immediately to this appropriation getting through? That is your impression about the transaction?—A. Yes, sir.

Q. You have no knowledge that they offered their services in this matter at all?—A. No, sir.

Q. Or that their services were a matter of selection by those committees—one or other of the committees?—A. No, sir. And because the gentlemen both are citizens of the town.

Q. And were friendly, of course, to it?—A. Of course.

Q. Now just one matter that I think is not very clearly shown. That is a very remarkable transaction as a commercial transaction, Mr. Glass, the discounting of this note. Was this note, of your knowledge, discounted at or through the influence or indorsement or signature of members of this city council?—A. I think there were some members of the city council that were on the note.

Q. Was it, I ask you, that it was a city affair, the discounting of this note, or was it a voluntary matter, whether they were members of the council or not?—A. I understood it was a voluntary matter, and they raised the money; and it was understood that if the council did not raise the money they would.

Q. You were then mayor at that time; did you make any proposition or call to account any member of the council as to this means of raising money?—A. No, sir; no more than I objected to it.

Q. As an official of the city government you knew the existence of the note, of course; how long did this note lie in bank?—A. I think it was paid the 10th of June, 1885.

Q. And your impression is that the difference between that $1,329, which was alluded to, and the $1,250 is the $79 bank discount on that?—A. That was about the statement; the statement of the newspaper was what I made it on.

Q. In the payment of this note what proposition was ever made in the city council when the note was taken up?—A. I cannot state as to that; I only understood that it was paid.

By the CHAIRMAN:

Q. Who was mayor of the city when the note was paid?—A. Herman Preeffer.

Q. Who were members of the city council?—A. I do not know that I could name them all; E. C. Eakin is one, and John Thickston, G. W. Baxter, Abram Schwaninger, E. J. Howard, Charles Acres, Dr. Graham, and Dr. W. D. Fouts.

Q. I will ask you, Mr. Glass, whether any of those members whom you state paid the note were members of the prior council, when you were mayor, when you refused to pay the note?—A. Mr. Schwaninger is one. Mr. Frank is not a member of the council now; he was at the time I refused to pay it.

Q. Was he a member of the council that paid it?—A. No, sir; he was not. E. J. Ward was. I think he was a member of the council that paid it, and a member of the council when I was mayor.

Q. How about Mr. Shuler?—A. He is not a member of the council now.

Q. Do you know whether Mr. Warder or Mr. Stealey were connected with the last House of Representatives?—A. I have heard they were.

Q. Mr. Warder, the assistant doorkeeper now?—A. Yes, sir.

Q. Mr. Stealey, in what respect?—A. I think he is a clerk of some committee.

By Mr. FARQUHAR:

Q. How many members of the council were there in June, 1884, when this matter of raising the money on this note was called up?—A. Ten.

Q. How many of your council at that time were connected with and did make this note or carried through this plan of raising the $1,000—how many of your council of ten were concerned in having this note discounted?—A. I do not know how many. There were some objected.

Q. I desire to know how many of your council not having anything to do with this $1,000 were in sympathy with raising the money immediately?—A. I do not know that there was ever a vote taken on that.

Mr. FARQUHAR. I do not expect, and, of course, I do not ask for an official statement; I simply want to get at which of this council that seemed not to desire to raise this money had the council which took and admitted, settled, and pushed the collection through.

SATURDAY, *April* 3.

JOHN M. GLASS, examination resumed.

By Mr. ELLIS:

Question. Mr. Glass, when were you first elected mayor of Jeffersonville?—Answer. I think it was in 1883, and I served two years, and went out in 1885.

Q. When did you take that office; I want to know the year, and the month, and the day, as near as you can give?—A. I think I took it about the 9th of May, 1883.

Q. You served how long? Two years?—A. Yes, sir.

Q. Were you a candidate for re-election?—A. No, sir.

Q. Did you seek nomination?—A. No, sir.

Q. You made no effort to secure re-election?—A. I did not, sir. There was a talk about it; but I was not a candidate.

Q. Who did your party nominate?—A. They nominated Mr. Shuler.

Q. Did you support him?—A. Yes, sir.

Q. Warmly?—A. I voted for him, sir.

Q. Mr. Glass, how are warrants drawn on the city treasury? Supposing Jeffersonville owed a hundred dollars to me; how would I get it out? What was the form of getting a warrant on the city treasury—the mode?—A. Well, a bill would be presented to the council and approved by the council. I believe they voted all money the two years I was mayor. The matter would be referred to a committee and approved by the council.

Q. To be paid?—A. Yes, sir.

Q. But this ordinance required your approval to be valid?—A. Yes, sir.

Q. You had to sign them; did you?—A. Yes, sir.

Q. Did you have the veto power?—A. Well, sir, I presume I had; I suppose that I could have kept from signing an order if I wanted to.

Q. You could have defeated any measure of that sort?—A. I do not know.

Q. By withholding your signature, and thus preventing any warrant from being drawn. Had you the veto power?—A. I do not think I had, sir.

Q. You were not fully up to the measure of your power. How was this levee committee constituted—by the council, of members of the council, or of outsiders?—A. Of members of the council.

Q. Entirely?—A. I think it was, sir.

Q. How many constituted the committee?—A. Three, I think.

Q. I understood you, in your examination-in-chief, yesterday, to state that these gentlemen, Messrs. Warder and Stealey, were not authorized to act in behalf of that levee committee?—A. That was my understanding; any more than to help us.

Q. Do you not know that the council, by formal resolution, which you approved, instructed and authorized those gentlemen to act in that behalf?—A. Not for any money consideration.

Q. That was not my question. Do you not know that they were authorized and empowered and instructed to act in behalf of the levee committee to secure this levee appropriation by your council?—A. I do not remember that they were; it might have been referred to them.

Q. Do you not know it took the shape of an ordinance or a resolution that passed your council?—A. A report from the committee that came here. There may be something of that kind in it.

Q. Do you not know that the endeavor to get that appropriation was a favorite measure with all your people?—A. Oh, yes.

Q. Were not these gentlemen selected to represent that committee and that feeling here, and because of their own citizenship in Jeffersonville, their interest in the place, and being here, officers of the House? In addition to that, were they not authorized by the people and by the council there, and this levee committee, to act in that behalf?—A. I do not know that they were empowered by any of the people, without it was by the committee that was here. My understanding was that they had spoken to them, and that they were to use their influence to help it through.

Q. Do you not know that they were authorized, or do you, by members of the levee committee, Mr. Shuler and others, to use money; but not in any way but legitimately, of course?—A. I did not know that.

Q. Did you not approve the payment of the $250 that was first paid?—A. No, sir.

Q. Well, how was it drawn out of the treasury, then?—A. I guess I said I understood that the treasurer paid that. I do not know that I said he did, or that the $250 was sent on by the treasurer.

Q. You were guardian of the city's funds, and ought you not to have known that?—A. I was absent from the city the evening that this thing was first discussed.

Q. I understood you to state just now that an ordinance of that kind needed your approval?—A. There had not been any special meeting of the council.

Q. You knew that this money had been paid by the city for this purpose?—A. Only from what I have heard.

Q. When did you hear this?—A. On my return.

Q. Give us the date, as nearly as you can, when you first learned that the city of Jeffersonville had paid this $250?—A. About the time this telegram had been received, the 2d of July.

Q. You learned that at that time. Well, now, about the other, the $1,000. Was there any secrecy about that; was there any cloak about it; was it considered as a confidential matter, the raising of the other $1,000; did not everybody know it?—A. I do not know that there was any secrecy about it.

Q. Was there any attempt to keep it concealed or secret?—A. None that I know of.

Q. Was not it a matter that every well-informed citizen of Jeffersonville knew, that the money, $250, had been paid by the public—the common council—and that the $1,000 was deliberately raised by good citizens and used?—A. A great many of our people knew of it.

Q. Do you think, Mr. Glass, that the people of Jeffersonville, members of the council, and all that sort of thing, would go to work publicly to raise a fund to be used for corrupting members of Congress, or for any illegitimate things here?—A. Well, sir, I do not know; there were various opinions about that.

Q. Well, the question is this, whether, if this money were for an illegitimate purpose, it would have been cloaked or concealed; would it have been done openly?—A. The $1,000 that was sent out last was sent from Louisville, I understand.

Q. But do you not know, Mr. Glass, it was raised on the signature of eight or nine of the most prominent men of Jeffersonville—one of them the present member of the House of Representatives?—A. That is my understanding, that they raised the money that way.

Q. Then there was nothing secret about it?—A. No, sir.

Q. Now, was it not understood that it was sent to these gentlemen to use legitimately, for forwarding a great public purpose?—A. I do not think it was the general understanding that it was sent here for the purpose of forwarding the interest of the appropriation.

Q. Is it not a fact that at the time the $1,000 was raised, the treasury of your town was not in a very healthy condition—you did not have the money—and that, therefore, these gentlemen were compelled to advance it, or lend their credit?—A. The finances were not in good fix, and are not now; but they have never been at any time so that we could not raise that amount of money.

Q. Well, you became acquainted with this grave business—which I believe you stated yesterday you did not like the principle of—in July, 1884, the second day. Now, how long was it before the burden grew so great that you had to tell somebody about it and try to bring these people for trial? When did you first send information to put these young men on trial?—A. I want to correct the statement I made yesterday. I think I made a statement yesterday that the letter shown here was about the time, but I find that I spoke to Senator Harrison about this in May, 1885—about the 29th of May, 1885—and may be before that.

Q. That was after the new mayor had been elected?—A. Yes, sir; but I spoke to Senator Harrison before ever the new mayor was elected.

Then you were mayor from July, 1884, up to May, 1885, and you knew this wrong had been done; you knew that a corruption fund—to put it in your way—had raised by the city council, by formal act, and that a number of your prominent en, including the member of Congress, had lent their credit to a corruption fund; et you did not say anything about it for nearly a year. Why did you not notify rowne or Mr. Harrison in the second session of the Forty-eighth Congress?—A. me the money had never been paid by the city at that time.

Did you not know that it had been raised and sent?—A. I heard that it had sent.

Did you not know that it had passed through the hands of these gentlemen?—eard that it had.

The $250; you knew it came out of the city treasury?—A. I did not know that. heard that the treasurer paid it.

How is it that you did not know it; you, an executive officer, whose signature have been necessary for the validity of any ordinance; you, who were the guard- the city's money; how is it that you did not know it? How is it that you a corruption fund of $250 had been raised by formal action of the council, and u took no action to investigate it?—A. You are mistaken. I do not say that it ised by the council, but a few members of the council gave aid to it, and that ney had been sent off by our city treasurer. I did not understand that it was t of the treasury.

ou say that you heard it was paid by the treasurer?—A. He paid it himself, s responsible for it. I just heard that he advanced it from the money in his

id he say that he paid it out of the money of the city?—A. No, sir; I did not. at I understood that he paid the money; and he might have paid it out of his

w came it now—to recur to a question that I do not think you answered— u did not report this thing to your Senator or Representative in the second of the Forty-eighth Congress?—A. As I say, the money had been demanded city; but the money had not been paid until 1885.

at is not the question. The charge is these young men, employés of the House, money from Jeffersonville for corrupt purposes. That is the indictment; that fense. The charge is that they received it and used it for illegitimate pur- How is it that you did not report them—did not have them investigated?— l that I spoke to Senator Harrison about it some time in May, 1885, for cer- l before that, I think; but I cannot recollect.

d Congress met again? Congress adjourned the 6th or 7th of July, and met following December, and sat here till the 4th of March. How is it that you eport them then during that time?—A. Because the money had not been paid 5.

t you were not the guardian of the city's money from May, 1885, up till now; not mayor then?—A. No, sir.

n, when you were mayor you did not investigate it; but as soon as you got of office you did do it. Before, when you had the official right to do it, you o it; when you had no official right, then you did it. How is that?—A. Be ever believed it was right or necessary.

Mr. STONE:

d you access to the books of the treasurer, so that you could investigate them?— u I was mayor, yes, sir.

Mr. ELLIS:

re you the author of that interview which was published in the paper read here y?—A. The Louisville Post? I do not think, sir, that I was. I was not con- a it.

ish you to state for a certainty. Were you or were you not the author of rview?—A. If you will please have it read again, I think I can tell you. s here read the article, which had been handed him by the clerk. He then d:] I did not know anything about that.

l you have any interview upon this question, which was published, with a orter?—A. Not with the Post reporter; I do not think I ever had.

l you have any interview with any newspaper reporter, or figure in any in- in regard to this matter which we are investigating?—A. I think may be an interview in the Louisville Commercial had with me.

u think, may be, you are not positive. When was that, sir?—A. That was e time I went out of office; in May, 1885.

. Glass, what are your relations with Mr. Warder?—A. Personally, we are nds.

u are positive about that?—A. Yes, sir.

By Mr. THOMPSON:

Q. Mr. Glass, you said something yesterday about the payment of expens committee which was sent here being paid out of the sufferers' relief fund, stood you right?—A. Yes, sir.

Q. That you paid it yourself, or ordered it paid?—A. It was the relief that paid it.

Q. Can they pay or do you pay?—A. Well, they managed this fund; it priated at that time.

Q. What connection had you with the committee?—A. I was chairman.

Q. Then you voted, of course, as chairman, on the order?—A. Mr. Jam Campbell was on the board, and he drew the orders.

Q. Who drew the orders?—A. I do not know; I think the bill was just and it was allowed by the committee.

Q. Was this relief committee part of the same board that was here?—A.

Q. It was a citizens' committee?—A. A citizens' committee; I was chair

Q. Was that the flood sufferers?—A. That was a committee on flood suff

Q. Where did those funds come from? Where did you get them? W general fund from charitable people all over the country?—A. That was t received them; from all parties.

Q. And you were a member of the board, and you took that money fro fering poor to pay the expenses of this committee that you sent to Wasl help legislation along?—A. We thought that that would be relief to us.

Q. It was relief to you; but it was given to relieve the sufferers from the not you?—A. It was a fund that was appropriated for general purposes; ing the distress of our people.

Q. Do you think that it relieved the sufferers to expend it on a Congres of some gentlemen sent here to further the interests of this appropriation sir.

Q. That relieved your sufferers very much?—A. It relieved our city ver get the appropriation.

Q. Well, you think that was right to pay it out of that fund; you that?—A. Yes, sir.

Q. What time was it when you sent Mr. Howard and these gentlemen I do not remember the date they came.

Q. And you sent two delegations here, I believe?—A. No, sir. The sar tion was ordered to come here in the first place; but they did not come. M did not come and Mr. Fogg did not come.

Q. Did you ever propose to come yourself?—A. I did not.

Q. Who paid the expenses of these delegations outside of the $100 that t ing people paid out of their fund, for charity, &c.?—A. The council, I sup

Q. You approved that?—A. It has been done since I went out of office.

Q. Did you approve the payment of these expenses?—A. If the proper came I would.

Q. You object to the committee that came and not to the expense?—A. only one of the delegation that did come—Mr. Clark.

Q. Did you agree in the council there that the council might pay any por city's funds toward defraying any necessary expense to secure this legisla Not that I know of, sir.

Q. Never agreed to that? Did you not agree for that committee to con in behalf of your city?—A. Simply that their expenses should be paid, stated.

Q. Out of the city's fund?—A. Well, when they came back we paid t this very fund.

Q. Well, your treasury was low was the reason you did that?—A. Well, in very good shape.

Q. And that is the reason you paid them out of the other fund, is it?—A. committee thought that they could do that, and believed that it was right

Q. How many months had this been pending here when you sent two dele assist your member of Congress, Mr. Stockslager, to get this legislation? delegations came back, and they were here on two trips, and you found were unable to secure it, was not it agreed that you would keep a man her in this matter?—A. I never agreed.

Q. Did you not feel that there was a necessity to have visiting committees people generally believed that Mr. Stealey and Mr. Warder would do what to push it. I inquired and heard that Mr. Stockslager, Senator Vorhees, an Harrison were for it. I never met Senator Harrison, but he wrote me or te me some intelligence that he had about it; that it would be sure to pass. was favorable to it, and Mr. Stockslager and the Indiana delegation were favorable. It was only a matter of time that it would pass.

hat before or after you sent the delegations?—A. After the first and be-
ond delegation.
fore, when Senator Harrison reported to you that there was no danger
u sent another crowd?—A. I did not send that crowd.
eople did. You do not seem to have had much to do with it?—A. The
ered the second delegation to come.
did not rely on either your member or Senators, and thought that they
e outsider here?—A. They sent these delegations on to urge the matter.
t was urged, and it did pass. You did not know anything about the man-
re?—A. I was not present.
he most you have told is almost entirely from hearsay?—A. That is my
ing, and from hearsay.
ou all have a meeting, Mr. Glass, of the common council on June 5, 1884?—
e there was a meeting in that month.
emember the meeting you had on June 5, 1884?—A. I have no recollection
ting. We had meetings twice a month. Every two weeks the council

u remember any meeting in June, 1884, in which public action was taken
sending these men to aid and assist in this legislation?—A. I do not re-
date that the council sent their delegation here. It might have been in
ink it was before that they came; unless that was the second delegation.
re any personal or political prejudice in your mind against either Mr. Stea-
Warder?—A. No personal prejudice, or anything of that kind.
olitical?—A. No, sir; we differ in politics.
lass, do you feel that you are actuated by no motive looking toward the
these men, either personally or politically, in this matter?—A. I am actu-
ecientious motives. I never did believe it was right to send the money on

lass, are there any differences, or had there been any differences, arising
ast race for the mayoralty? Were these questions about the payment of
ade a subject or a question in the last race for the nomination in the m-
ur party, between you and Shuler, in any way?—A. I do not know that

t not an issue in the canvass between you and Shuler for the Republican
before the people, whether or not it should be paid out of the city treas-
lid they not indorse Shuler, to have it paid? Was he not nominated on
tanding that, if elected, it would be paid, because he was one of the obli-
the note?—A. In the last election it was said with our people that this
an issue there. Two candidates were in the field, and Mr. Shuler was sup-
favorable to the payment of this amount.
as the debt-paying candidate, you may say?—A. That was understood;
er gentleman declared against it.
QUHAR and Mr. BLANCHARD. What was the name of this gentleman?
NESS. Preeffer.

Mr. BLANCHARD:

d Shuler were candidates for that position?—A. Yes, sir.

Mr. THOMPSON:

r, then, was nominated by the Republican party, and run with that issue
nd beat you for the nomination?—A. I did not stand for the nomination.
MPSON. We understand that. A man does not run; his friends look after
have all been in the hands of our friends, often. You were in the hands
ends?
NESS. I was not a candidate.
MPSON. Oh, well; Shuler got the nomination, and you did not?
NESS. Shuler was nominated.
you were not?—A. Mr. Shuler was considered, as you state, the debt-pay-
ate; but about a week previous to the election, I think, Mr. Shuler came
rd and said that this money would never be asked by the committee, or
er had been paid, I think, and that it never would be called for, or asked
ty.

Mr. STONE:

was before the election?—A. That was before the election.

Mr. BLANCHARD:

long before?—A. About a week.

r. THOMPSON:

r is a Republican; Warder and Stealey are Democrats, and Shuler got beat
rat; was he not?—A. The Democratic candidate was elected.

Q. Shuler got the nomination from the Republican party with the disti standing that he would pay this debt. That beat you. And afterwards h a little, and said it never should be paid, and that beat him in the matte was beaten.

Q. So that all this thing has been gone over and over in the local politi and stirred up all the political prejudices there?—A. There has been a gre talk about it.

By Mr. STONE:

Q. This money that was sent here, Mr. Glass; do you know what dispo made of it? What was done with it?—A. I do not know, sir.

Q. Did you ever hear or did you ever learn?—A. I learned that it was u a lawyer for legal services.

Q. Recently?—A. That is the rumor.

Q. Was there any understanding—you have been speaking largely of u ing—there in Jeffersonville what was to be done with this money, and wha with it?—A. I do not know. The understanding was that it was to help the passage of the bill.

Q. I understand that; but in what way?—A. I never heard in what wa

Q. Did these gentlemen, Warder or Stealey, ever make any report to you what use they made of this money?—A. Not that I am aware of.

Q. Was any report made by anybody, in any way, to your authorities the there any inquiry by anybody as to what disposition was made of this m None that I know of, that was published.

By Mr. LEHLBACH:

Q. When money is paid legitimately out of the city treasury, by order o mon council, is it necessary for you to sign the warrants?—A. It was if I w of the city.

Q. This $250 that it has been alleged was paid out by the treasurer, did sign any warrant for that money?—A. No, sir. The statement I made was derstood the city treasurer paid it out; and I said if he paid it out of the cit he would be responsible for it.

Q. If he paid it, he paid it as a private citizen; and if he checked it out treasury he did it illegally?—A. I would suppose that the treasurer would right to use the money, but would make it good. His bond was good, and make it good at any time.

By Mr. STONE:

Q. You speak here in these resolutions, "Whereas it is charged by a repu zen of Indiana that, during the pendency of said measure, a person or per officers of the House of Representatives, exacted, collected, and accepted f son or persons interested in the success of the said appropriation a large sum upon the pretense, or for the purpose, of influencing Congress or some thereof, or Members or Senators in their official action thereon."—A. Th Browne's resolution.

Q. That resolution of Mr. Browne, he says, was based on information h from you?—A. That was right. It was to be used for the purpose of secu taining that appropriation.

Q. Then it was to influence members of Congress?—A. In some way, bu know what.

Q. Did you have an understanding it was paid some lawyer for some p A. That is what I understood.

Q. What lawyer?—A. I do not know.

Q. For what purpose was it paid to the lawyer?—A. I do not know. W it was paid to him for legal services. I do not know what he did, of cour

By Mr. FARQUHAR:

Q. I want to ask you one question that seems to have been misunderst counsel. At what time did you first communicate with Senator Harrison matter of charges—at what day—against these men?—A. I have found the I wrote Senator Harrison on the 27th or 29th of May, or June, 1885.

Q. You were then out of office?—A. Yes, but before that, while in India spoke to Senator Harrison; but I cannot give the day.

Q. Before you went out of office you called Senator Harrison's attentio A. I did.

Q. And you think it was in May, 1885; that was the date of this letter to rison?—A. (Witness taking letter from his pocket and examining it.) One le 29, 1885.

Mr. STONE. Do you offer that letter?

Witness did not answer.

Mr. FARQUHAR:

this letter to Mr. Harrison before or after the settlement of this note by the
This letter is dated May 29, and my understanding is that this claim was
e city June 10. I cannot give the exact day; but that is about it.
communication to Senator Harrison was before this matter was settled by
-A. Yes, sir.
seem to have taken no action yourself until you saw the city became liable
ney?—A. I had spoken to him about the matter before, and from the un-
g then, I did not suppose that the city would ever be called upon to pay
y.
the issue made intelligently enough before the people in Jeffersonville of
ndiate this amount of money that had been sent up to Washington, in the
either Democrat or Republican? Was it intelligently brought before the
that the voice of your people could be taken intelligently and independent
on this matter?—A. I should think it was.
the people agreed to support the candidate who would pay this money?—
ould not pay it.
d not pay the bill?—A. Would not pay.
it elected him?—A. He was elected; and in this newspaper paragraph, it is
he mayor gave them time to enjoin him from the payment of the debt and
atter after the council had ordered it paid. And it was several days before
signed the order that it should be paid.
you any means of informing this committee of any one who gave the in-
to you or to your council, why it was necessary to send this money to
on?—A. None; only what I have heard from Mr. Shuler; I think that he
f the papers and letters and so forth; and then this telegram.
your first committee that came on to Washington report when they came
effersonville that this $1,000 and $250 was necessary to carry this appro-
rough?—A. I never heard it.
the second commmittee so report?—A. I think not.
any Representative from the State of Indiana so report?—A. Not that I
L.
any Representative or Senator from Indiana at any time state to you as
t this money was necessary to carry through this bill?—A. Any Repre-
in Congress? No, sir; I never heard from any of them.
one of them?—A. Yes, from Mr. Stockslager and Senator Voorhees—I saw
dianapolis—and the letters from Senator Harrison; and I heard from Mr.
d that they were all for this.
did this fear come upon you, an executive officer of the government and
hat this bill would never pass?—A. I never came here.
did you gain knowledge of the fact?—A. Just by communication with Mr.

merely understood this; you know nothing at all of your own knowledge?—
g of my own knowledge.

the CHAIRMAN:

any individual who had a conversation with either of these gentlemen re-
they had said, or anything about it?—A. I do not think they did.
person, then, told you that it was necessary?—A. I heard that they said it
sary at that time.
o did you hear; any person who had seen either of these gentlemen?—A.
r, when he called on me to call the council, he thought it was necessary;
had made an agreement to pay.
he say that he had had a conversation with either party?—A. I do not
did. Mr. Shuler was in Jeffersonville; Mr. Warder and Mr. Stealey were

. Mr. BLANCHARD:

Glass, this $50,000 that was appropriated, what was done with that money?—
built the levee with it.
ng the Ohio River?—A. Yes, sir.
what purpose did they build the levee?—A. To protect the Government
and the city of Jeffersonville.
the levee completed with that $50,000?—A. Well the levee is not completed.
consider that it is.
it had the effect of protecting that town from inundation?—A. We have
l any high water since it was built; but I do not think it will be sufficient un-
n have some protection from the back-water, to keep the streets from being
gain.

Q. What Government property have you to protect?—A. The quart depot.

Q. What is the present value of that quartermaster's depot?—A. I do no

Q. A thousand or $10,000?—A. More than that.

Q. Twenty-five thousand dollars?—A. I suppose a million dollars.

Q. Is it close to the river?—A. Yes, sir.

Q. Is the river caving?—A. No, sir.

Q. Did you want to protect the quartermaster's depot from flood?—A. M ard, if the river was as high as it was in 1883 and 1884 nothing could be shi the quartermaster's depot at all. I got General Sexton to write a letter to termaster-General to recommend this appropriation.

Q. And he had written?—A. He had written, I think.

Q. Well, the effect of that levee is to protect the quartermaster's depot the city from overflow?—A. Yes, sir.

Q. That appropriation had nothing to do, then, with the improvement of River at the harbor of Jeffersonville?—A. I do not know. I do not see h that effect.

By Mr. FARQUHAR:

Q. Do you know whether this was a separate clause, this appropriation sonville, or was it contained in the appropriation for the Ohio River and y desired to have this $50,000 set aside from that bill for this purpose? Was plan?—A. I think it was.

Mr. BLANCHARD. I was a member of the River and Harbors Committee of t at that time, and it had nothing whatever to do with that appropriation. appropriations for the Ohio River. When the bill reached the Senate, t Committee on Commerce designated $50,000 of the Ohio appropriation for t sonville work; and it passed the Senate with that amendment. Then in c between the Senate and the House, the conferees of the two Houses confi amendment of the Senate, and that is the way it got upon the bill.

Mr. FARQUHAR. Oh, this is a Senate investigation, instead of a House inve

By Mr. ELLIS:

Q. I want to ask if you were a member of that levee board, or of that com A. The levee committee; no, sir.

Q. You were not a member?—A. There was a time that I served with it, was only for a certain purpose. I was not a member of the standing levee tee.

Q. Then, if there had been reports made to it you would not have received A. No, sir; the board would have received them.

Q. Do you not know that the levee board was in constant communica Mr. Warder?—A. I heard they were.

Q. And that he was continually making reports to them of the progress here?—A. I heard that he had written to them about it.

By Mr. FARQUHAR:

Q. Please give me the names of that levee board or levee committee, as ye ber them. Who was chairman?—A. A. O. Shuler, T. A. Graham, and W. That was the whole of them.

By Mr. ELLIS:

Q. A board composed of three. Now, did not you hear, or did not you k Mr. Warder made a final report to that board of his operations and actions Not to my knowledge; I do not know it.

Q. Did not you hear it, then, that he had made legitimate use of the trusted to him?—A. I never heard it.

Q. Did not the council agree to the payment of the fees upon report of tious?—A. I think not, sir. The council at the time he made the report suppose, in 1884, and this claim was not allowed until 1885.

Q. Did this new council order it paid upon the reports of Mr. Warder's here?—A. I do not know that.

Q. Do you not know that the council ordered it paid in June, 1885?—A my understanding about it.

Q. That is your present city council?—A. Yes, sir.

Q. They paid it with a full knowledge of all the facts?—A. I cannot that. I was not in the council, and was not there.

Q. You have told the committee that the whole matter was agitated, and shape of a political issue. Did everybody know it?—A. I suppose they did

Q. You reluctantly came to the conclusion that they might have done Glass, you are of the opinion that this was entirely a fraud upon Jeffersonv ably a crime in the eyes of this committee, and yet you believe that you

cted your views, with the same council; with the knowledge that this
s to be used for illegitimate purposes, and had been used for illegitimate
and if Shuler was elected the infamy would have been done; and yet
rted him against a man who was going to undo the wrong?—A. Did you
d me a few minutes ago that Mr. Shuler came out in a card that this was
to be paid, and that I said on that I voted for Mr. Shuler?
not you intend to vote for him from the very time he was nominated?—A.
not know what I would have done if the card had not come out.
, is it not a fact that you did not support him, and that you did everything
ld you could against him?—A. No, sir.
not a fact that you were a candidate for re-election up to the convention?—
r claimed to be a candidate at all.
not a fact that you withdrew from that canvass after the convention was
?—A. I withdrew from the race. I sent friends to the convention to say
s not a candidate at all. I had not been a candidate, or prosecuted a cam-
the nomination.

Mr. CLEMENTS:

stated that $250 had been advanced by your city treasurer before you war-
out. For what purpose was it paid, and to whom?—A. It was sent to
on, as I understood—I only speak of what I heard—to Mr. Warder and Mr.
I heard that the understanding was that if the bill did not pass that was
to cost; and if it did, $1,000 in addition was to be sent. But in regard to
reasurer taking that out of the treasury, if he did that he did it out of his
s; it was not done by order of the council.
do not know whether he took it out of the city funds or advanced it?—A.
now whether he took it out of his own pocket or out of the treasury; but
his bond was good.
you hear of that before you went out as mayor?—A. Yes, sir; but there
ng said about the money. The money was refunded to him, and hence there
tion called for by the council.
nded by whom?—A. I cannot say as to that.

HULER sworn and examined.

the CHAIRMAN:

n. What is your name?—Answer. Albert O. Shuler.
t is your age?—A. Forty-eight years.
re do you live?—A. Jeffersonville.
t is your business, your occupation?—A. Running a dry-goods store.
ou hold any office at this time?—A. No, sir.
you in 1884? Were you a member of the city council?—A. I was.
n were you first a member of that council?—A. I was elected in May, 1883.
long were you a member of that council?—A. Until May, 1885.
on know anything in reference to an appropriation that was made to build

Q. Please state who they were.—A. The first committee was composed of M Howard, Mr. O. A. Clark, and Mr. William Fogg.

Q. When had they come on?—A. I do not remember.

Q. What month?—A. About April. I think it was April, 1884.

Q. The second committee was composed of whom?—A. The same committe

Q. Well; go on.—A. Well, as I said, I wrote to Mr. Warder and asked his a the committee ordered me to do so—and told him anything he would do it w all right; and asked him whether he thought it would be better to send committee here. Mr. Warder wrote back——

Q. Have you got the letter?—A. He wrote back that he had engaged the of an attorney on the condition to pay $250 as a retaining fee, and $1,000 in c appropriation was secured and signed. I received that letter and called a of the city council the same night. The city council took a vote on the mat they all voted in favor of it except one member. Well, the next was, the sa I think, I sent $250 to Mr. Warder.

Q. Right there, if you will permit, how many members comprised that cit cil?—A. Ten.

Q. Do you recollect who they were?—A. Yes; A. Schwaninger, F. A. Yo Fouts, myself, T. A. Graham, A. Frank, Charles Akers, E. J. Howard, E. C.

Q. Was the mayor at the council?—A. The mayor was not in the city then.

Q. Is he a part of your council. Is he one of the ten?—A. He was not He is the presiding officer.

Q. He was not present at that time?—A. No, sir.

Q. Who was the member that voted against it?—A. A. Schwaninger. W council took a vote, and so I took $250 and sent it to Mr. Warder, according instruction of the council. This $250 I borrowed from the private funds of t treasurer, C. W. Prather, and later I sent the $1,000.

Q. What caused you to send the $1,000?—A. After I received that telegram

Q. You had received a telegram. Have you that with you?—A. After the priation was made I did not think it was necessary to keep the telegram.

(Witness was shown a copy of the telegram.)

The WITNESS. Yes; that is correct.

Q. This telegram you received, and in consequence of that you sent the $ Mr. Warder?—A. Well, I have forgotten to state that after I received this t I went to see the city mayor, Mr. Glass, and showed him the telegram, and h me what I wanted him to do. I asked him if he would not like to call the cit cil. He read the dispatch, and he made the remark, "They cut my salary do want to send $1,000 to Washington; I will not call the meeting." [Laughter. I told him if he would not, I would. After that I called the city council, an the members met in the hall, some of them made the remark, "What is th holding another meeting; we already passed that a few days ago." So they home again, and next morning I sent this $1,000. I went to the Citizens' N Bank, of Jeffersonville, to prepare a note, signed it, and went to seven part received their signatures to this note. It was not necessary, but I got their n it, and got the money and sent it here to Mr. Warder.

Q. Had you ever any conversation with Mr. Warder or Mr. Stealey about fore that time, while the appropriation was pending?—A. Just what I stated ago; I corresponded with Mr. Warder. I did not see him personally.

Q. Did you have any correspondence with Mr. Stealey?—A. No; one tin ceived a telegram from Mr. Stealey, that's the only thing I remember.

Q. What were the contents of that telegram?—A. Mr. Stealey asked if would be satisfied with an appropriation of $25,000, and pay the other $25,00

Q. When was it that communication was sent?—A. I think it was the lat of June.

Q. Do you know whether this note was paid by the council or by the city heard it was.

Q. That was paid after you went out of office?—A. Yes, sir.

Q. Anything else that you know in regard to this matter?—A. That is al think of just now. After the appropriation was made Mr. Warder came h Jeffersonville. He spoke about it, and said he had the receipts for this mone he paid to the attorney.

Q. Anything else?—A. That's about all.

Q. He said he had the receipts for the money—the $1,000, and the $250?—A. of it.

Q. Did he say what the attorney did with the money?—A. No; I don't re about that.

Q. Did he say how the attorney used it, or what his purpose was in emplo attorney?—A. No; I don't know.

Q. Did you inquire as to what the attorney was to be employed to do in re

appropriation before Congress?—A. No, I did not. When we had the appropria-
n, I didn't ask many questions. [Laughter.]
Q. Before the appropriation was made, was it discussed among you how this $1,250
s to be used?—A. It was to be used to pay this attorney.
Q. Well, what was the attorney to do?—A. I don't know, sir. I am not an attor-
y. I don't know what he had to do.
Q. The $1,250 was to be used on Congress, which had to appropriate money for
blic uses?—A. For legal advice.
Q. To Congress?—A. Well, not to Congress. [Laughter.]

By Mr. CLEMENTS:

Q. Did he say what attorney was employed?—A. Mr. Warder told me the name,
t I don't remember.

By Mr. STORM:

Q. You heard that the council had afterwards paid this $1,000? Of course you
re not called upon as a maker of the note to pay any part of it. You or any of
se who signed the note were never called upon to pay any part of it?—A. I read
one of the morning papers that the council had voted to pay this note.

By Mr. BLANCHARD:

Q. Have you yet stated the names of the gentlemen who signed that note? I will
d—let me ask you if these gentlemen were the gentlemen who signed that note
ich was discounted by the bank: E. C. Eakin, George W. Lewman, T. A. Graham,
J. Howard, A. O. Shuler, John F. Read, Jonas G. Howard.—A. Yes.
Q. It was eight?—A. C. W. Prather, I don't think you have read his name.
Q. When that note matured was it paid by the gentlemen who signed it or in-
sed it, or by the city council?—A. By the city council.
Q. Was a regular ordinance passed by the city council for its payment?—A. I can-
t tell.
Q. Well, then, could money have been paid by the city treasurer without an ordi-
nce to that effect?—A. No; I guess not.
Q. Then there must have been an ordinance for its payment?—A. Well, I was not
member of the council when it was paid.
Q. What was the amount of that note?—A. The amount was $1,250.
Q. Didn't you add the discount or the interest at the bank to the face of the note?
A. Yes; and it amounted to $1,329 and some odd cents.
Q. Who was it told you the name of the attorney who was employed here?—A. Mr.
arder.
Q. Did he tell you that when he came to Jeffersonville after the adjournment of
ngress?—A. Yes, sir.
Q. And you have forgotten the name?—A. I have.
Q. Have you not heard the name recently?—A. No, sir.
Q. Was he a lawyer living here?—A. I cannot tell.
Q. Did not Mr. Warder tell you the character of the services rendered by that at-
rney?—A. Yes; he told me something about it.
Q. What do you remember that he told you?—A. It is so long ago I don't remem-
r it.
Q. Had you authorized the employment of an attorney to help in this matter before
ngress?—A. As I first stated here, I was instructed by the levee committee to ask
Warder for his advice, and to ask him whether he thought we ought to send an-
r committee here, and told him we had all confidence in anything he would do
g all right.
Q. Did he advise the employment of this attorney?—A. He wrote back that he had
ployed this attorney.
Q. Did he state what he employed the attorney to do?—A. No, sir.
Q. Did you thereupon approve of his employment of that attorney?—A. We did.
Q. Did he state in that letter the amount of compensation that he agreed to pay
attorney?—A. Yes, sir.
Q. Well, Mr. Schuler, I don't expect that that money was used for unduly influenc-
any member of Congress, but merely to engage the services of some one to make
ecialty to look after this appropriation?—A. Yes, sir; that's correct.
Q. And that is your understanding of how the money was expended?—A. Yes,
r.

By Mr. LEHLBACH:

Q. When you received this letter from Mr. Warder, did you make that letter public
e meeting of the council?—A. I did.
Q. Was it read there?—A. It was read by the city clerk.
Q. Where is the letter now?—A. I cannot tell.

Q. Did you ever have a conversation with the mayor at that time?—A. The mayor was not in the city; I think he was in Chicago.

Q. When you received the telegram to send the $1,000, did you have a conversation with the mayor?—A. I did. I took the telegram and presented it to the mayor.

Q. Can you state the general terms of your conversation?—A. It was very short. I handed Mr. Glass the telegram; he read it and asked what I wanted him to do. I told him I would like him to call a meeting of the city council, and he seemed to be a little angry, and he said, "The idea of cutting down my salary and sending $1,000 to Washington." He said that he would not call the meeting.

Q. Did you say anything at that time to him that would lead him or any one else to suppose that this money was to be used corruptly?—A. No, sir; that is all I said. And I told him, "If you won't call the meeting I will."

Q. Didn't he object to the sending of this $1,000, because he said he did not believe in using money corruptly?—A. I don't know.

Q. Did he say anything of that kind?—A. No, sir.

Q. Are you sure?—A. I am.

Q. Did the letter state the name of the lawyer who was employed?—A. No, sir.

Q. Did you think, or did any members of the committee think, that it was necessary to employ counsel?—A. Yes, sir.

Mr. LEHLBACH. You did.

By Mr. FARQUHAR:

Q. To whom did Mr. Warder make his report in Jeffersonville; to any officer of your government there?—A. I don't know; I met him on the street the next day after he returned.

Q. Do you know if he ever made a written report?—A. I do not remember.

Q. Do you know if there was any report that has ever been given to the city council?—A. No, sir.

Q. Did you ever see any given, that he showed to you or any other party of this levee committee, in respect to this disbursement?—A. No more than what he told me.

Q. All the knowledge you have is this conversation?—A. That is all.

Q. You do not know, as a citizen of Jeffersonville, that he has ever rendered any account of this $1,000?—A. I do not know, sir.

Q. In other words, it is simply word of mouth, this whole matter?—A. The levee committee never made any report either.

By Mr. BLANCHARD:

Q. Mr. Schuler, Mr. Warder stated he had the receipts for the disbursement of that money?—A. Yes, sir.

Q. Did you see those receipts?—A. I do not think I did.

Q. Did you make any inquiries as to whether there were one or more receipts?—A. No; I did not.

Q. Was the $1,250 paid to the same man?—A. The $250 at first, and then the $1,000.

Q. All to the same man?—A. Yes, sir.

Q. Did you send the money on here to Mr. Warder yourself?—A. I did.

Q. Did you send a check payable to his order?—A. I sent it by telegraph.

Q. Telegraphic money order, payable to whom?—A. Payable to him. I went to the telegraph office in Jeffersonville, and the agent told me that I could not send that amount of money from that office; so I went to Louisville and sent it from there.

Q. Well, you never had any dealings with Mr. Stealey, except that he sent you that telegram?—A. That's all.

Q. You never sent any money payable to him at any time?—A. No.

Q. Do you know whether Mr. Stealey had anything to do with the employment of this attorney?—A. I do not.

By Mr. LEHLBACH:

Q. When you received this telegram you sent the $1,000, did you not?—A. Yes, sir.

Q. Then you telegraphed back an order; didn't send a check?—A. I sent a telegraphic money order.

Q. This $1,000 you understood to be for services of an attorney. Why was it necessary for you to send an order by telegraph for $1,000? Were you afraid that if you didn't do so the bill would not pass?—A. No, sir; only it was about time for Congress to adjourn.

Q. But what difference would it make; if the bill passed you could send the $1,000 by check just as well? Did you understand at the time that if that $1,000 was not sent before Congress adjourned the bill would not pass?—A. No, sir, I did not think so. I only thought that that was the quickest way to send it.

Q. From the reading of the telegram you would interpret it in that way?—A. I thought he wanted the money right away, and that is the reason I sent it quick-

ıt time, with the Citizens' National Bank of Jeffersonville, from which money
d to defray expenses in obtaining a certain appropriation for Jeffersonville?—
› not got it.
you make any effort to get it?—A. I did not know who had it; I thought
ring what I had; I could have brought that note, I guess; I neglected it.
didn't apply to the bank for the note, or a copy of it?—A. No, sir.
y didn't you, when you were ordered to do so?—A. I knew that somebody
note—that it was taken up.
you were directed by the Sergeant-at-Arms to bring it with you, and you
you made no effort to do it?
LIS. I would submit right here that the operation of a *duces tecum* would
› any papers in the custody of the witness.
ANCHARD. But he says that he could have got it if he had tried. I will read
Mr. Schuler, you are also ordered to bring "all letters and telegrams re-
' you from L. T. Warder and O. O. Stealey during the pendency of the river
or bill in 1884, and since that time, and having reference thereto, particu-
telegrams and letters asking for money or remittances to be used in connec-
› the passage of the levee appropriation or in payment of services rendered in
ılf." Why didn't you bring those papers?
ause I did not have any of them.
you had received letters and telegrams?—A. Yes; but that has been a year
go, and I did not think it was necessary to keep them.
didn't bring the letters and telegrams because you had destroyed them?—
se I have not had them since the appropriation was passed. I take un-
' papers from my desk and destroy them.
y were destroyed, then?—A. Yes, sir.
ANCHARD. And therefore you have no letters or telegrams to produce.

Mr. ELLIS:

Shuler, who constitutes the levee board? Please give me the names as you
r them.—A. Well, we had at one time four members on the committee.
ase give the names of them.—A. T. A. Graham, W. Fouts, F. A. Young, and
L. O. Shuler.
of these gentlemen were members of the council, were they not?—A. Yes, sir.
vas a special levee committee, created inside of the council, by the common
—A. Yes, sir.
o was chairman of that board?—A. I think that W. Fouts was chairman.
o was the secretary?—A. I was secretary.
l you conduct the correspondence?—A. I did.
w came you gentlemen to direct the attention of Messrs. Warder and Stealey
appropriation, the need of it?—A. Well, they were the only parties that I
re. They were citizens of Jeffersonville.
th citizens of Jeffersonville, born and raised there, old citizens of the place?
Mr. Warder's standing there among his fellow-citizens?—A. Good standing.

Q. You were satisfied that it had been square and straight; and therefore you didn't ask for the receipts?—A. Yes, sir.

Q. I believe the note for $1,000 has been paid by action of the present city council?—A. Yes, sir.

Q. A city council elected, when?—A. Elected in May, 1885.

Q. Well, was payment or non-payment of this sum made an issue in your last municipal election?—A. It was.

Q. Were these councilmen elected at that election in which this was made an issue?—A. Most of the councilmen were re-elected.

Q. You were the Republican nominee for mayor, I believe?—A. I was.

Q. Did any one contest with you for the nomination?—A. I understood Mr. Glass did.

Q. Was he a candidate or not?—A. I think he was.

Q. Up to what time?—A. Up to the night of the convention.

Q. Was his name mentioned in the convention at all?—A. I cannot tell; I was not present myself. I only heard that one gentleman withdrew his name.

Q. What was Mr. Glass's course toward you during that campaign?—A. Well, I heard that he tried everything to beat me.

Q. Do you believe that?—A. I do.

Q. What evidence have you of it?—A. From friends of mine.

Q. Was it a matter of general notoriety—his course toward you?—A. Oh, yes.

Q. What about the reduction of the salary of mayor you mentioned something about?—A. Well, the mayor's salary was reduced to $900 from $1,200 about a month before; some time in May.

Q. During Mr. Glass's incumbency; and was that the reduction to which he had reference when he demurred to sending the money to Washington?—A. Yes, sir.

Q. Well, did Mr. Glass ever affirm or insinuate, or say, directly or indirectly, by word or by act, that this money was for illegitimate purposes?—A. No, sir.

Q. He never did. Was he perfectly cognizant of the reason why this money was raised, and didn't he know all about it?—A. I suppose he did; he ought to know.

Q. Did he ever, in council, by message or by speech, in council meeting, or by any communication, evince his displeasure about it or his condemnation of it?—A. Well, I don't remember exactly. I know that I showed Mr. Glass all my communications.

Q. You kept him fully advised of what was going on?—A. Yes, sir.

Q. Is it not a fact that this levee matter was discussed in Jeffersonville publicly during the pendency of legislation here?—A. Yes, sir.

Q. Is it not a fact that all your best citizens—property owners, business men—were all in favor of it, and wanted the money expended—not for any illegitimate purpose, of course?—A. I think, of course, everybody was in favor of it.

Q. Had your board authorized Mr. Warder to expend money legitimately, if it were necessary?—A. Yes, sir.

Q. What was the contract he told you he had made with this lawyer here?—A. It was a consideration of $250 as a retaining fee, and $1,000 in case the appropriation was passed and signed.

Q. It was conditioned that it became a law, and if not then there was to be no further payment?—A. No further payment.

Q. You saw this copy of the telegram: "Mr. A. O. Shuler, Jeff. We expect to adjourn Saturday. Send the draft to me at once, so that I will not be detained here. It is all right, but I will not pay until the bill is signed." Wasn't it on the urgent character of that dispatch that you sent the telegraphic money-order?—A. It was.

Q. Then your sending the money had no reference to the signing of the bill, or to the passage of the bill, but was simply to be placed in Mr. Warder's hands, to be paid under the contract, if the bill became a law?—A. That was it.

Q. Didn't you show that dispatch to everybody?—A. I did.

Q. I believe the Democratic national convention was then about to assemble?—A. I think it was.

Q. Do you know whether Mr. Warder wanted to get away from here? Wasn't it on Saturday?—A. No, I don't remember when it was.

Q. Did you not know that Congress was expecting to adjourn daily, and that there was a great anxiety, especially among the Democratic members, to get off to the convention?—A. Yes, sir.

Q. Did anybody copy that dispatch while in your possession?—A. Mr. Glass copied it.

Q. When?—A. The same, or the next day, after I received it.

Q. Did he ask you for it?—A. He came to my store and asked for the document and sat down and made a copy of it.

Q. Did he tell you for what purpose he wanted it?—A. No, sir.

Q. How many members of the common council were signers of the note that was negotiated?—A. Three or four councilmen and the city treasurer.

By Mr. BLANCHARD:

Q. The city treasurer signed in his individual capacity?—A. Individual.

Q. Was not your present member of Congress one of the signers?—A. Yes, he was—Mr. Howard.

Q. Did not he actually urge this appropriation himself?—A. He did.

Q. Was he cognizant of the contract you had with Mr. Warder?—A. He was.

Q. Did he approve it?—A. Yes, sir.

Q. Your best citizens approved it?—A. Yes, sir.

By Mr. ELLIS:

Q. Was he not then before his people as a candidate for Congress, probably nominated at that time?—A. I do not remember whether he was or not.

Q. You say that Mr. Warder wrote you that he had made a contract with a lawyer to represent specially this interest?—A. Yes, sir.

Q. Did you submit his letter to the council?—A. I did.

Q. Did you respond to him then?—A. I did.

Q. Did the council ratify the contract?—A. It did.

Q. How many men opposed it?—A. One.

Q. One man out of the ten?—A. Yes.

Q. Did Mr. Glass preside in that meeting?—A. No; Mr. Glass was absent at that time.

Q. Did you inform Mr. Warder that his contract was approved and would be carried out?—A. I did.

Q. And this correspondence has been destroyed or is lost and gone?—A. Yes, sir.

Q. Well, now, Mr. Shuler, all this action was fully represented to the city council, was it not?—A. It was.

Q. The action of your levee board; your levee board was simply a special committee of the council, and it was reported to the council?—A. Yes, sir.

Q. Was it not a matter of public notoriety—everybody knew it?—A. Yes, sir.

By the CHAIRMAN:

Q. Do I understand you to say that it was not stated how this money was to be used; that you were to spend $1,250 out of your city treasury, after placing the matter in the hands of the representative of the people, and it was never discussed as to how this money was to be used?—A. Well, I don't understand you.

Q. There was nothing said in your council as to how that $1,250 of your money was to be used on Congress?—A. Nothing said about Congress.

Q. Anything said why it was necessary to employ a lawyer?—A. No; we thought it best.

Q. Why?—A. Well.

Q. Give your reasons.—A. I cannot give exact reasons.

Q. Give me your general reasons. I don't ask for your exact reasons. As a public body you thought your bill meritorious?—A. We thought it would be well to have an attorney and take his advice.

Q. What about. About how Congress should act?—A. No, sir; about how Jeffersonville should proceed. I cannot state exactly how the services of the counsel should be used.

The committee here took a recess of one hour.

Examination resumed.

By Mr. LEHLBACH:

Q. Mr. Schuler, you said that as secretary or member of the common council, you were instructed to write to Mr. Warder in relation to obtaining the passage of a bill?—A. Yes, sir.

Q. And you received from him a letter stating that it would cost $1,250—A. No, sir; I received a letter from Mr. Warder stating that he had engaged the services of an attorney.

Q. That is what I understand. Then upon that you called a meeting of the common council?—A. Yes, sir.

Q. On what day was that?—A. I cannot remember, but it was about the first part of June, I think.

Q. You keep a record of your meetings?—A. Yes, sir; the clerk does.

Q. Is that meeting on record, and what was said and done at that meeting?—A. I don't know whether that meeting is on record or not.

Q. You said before that this letter was read before that meeting?—A. Yes, sir.

Q. Would not that appear in the minutes of the common council meeting if it had been so read?—A. It should.

Q. Do you know whether there is any record of that meeting?—A. No, I do not know. I remember that a member of the council made a motion, or urged, not to charge the city with the expense of that meeting.

Q. Well, what I want to get at, Mr. Chairman, from Mr. Schuler is, whether this was considered in a regular meeting of the common council or not. I would like to have an answer to that question.—A. It was.

Q. Well, then, minutes must have been kept of that meeting?—A. Yes, sir.

Q. And when was it that you held it?—A. I don't know the day.

Q. In what month?—A. The first part of June.

Q. When you have a meeting of the common council, the proceedings of that council are kept by the clerk; minutes are kept, are there not?—A. Yes, sir.

Q. Everything that is done there is kept on record?—A. Yes, sir.

Q. Now, was not this meeting really not a meeting of the common council, but merely an informal gathering so as to confer in regard to it?—A. Well, I can't tell whether there was a record kept, but I considered it a regular meeting, and it was called in regular form; one of the members called to take the chair and the clerk kept the minutes.

Q. And every member of the common council that was present at the time understood this arrangement about paying $250 as a retainer and $1,000 after the passage of the bill to be used for the employment of counsel?—A. Yes, sir.

Q. And you say that the mayor, who was then mayor of the city, was in Chicago?—A. In Chicago or Indianapolis.

Q. When did he return?—A. I don't know that I remember; shortly afterwards.

Q. Was he immediately informed of the action of the council at that time?—A. I cannot answer that.

Q. Did you ever tell him at any time that the common council had passed a resolution authorizing the employment of counsel and an expenditure of $1,250, in case the bill passed, for paying lawyer's fees here in Washington?—A. Well, I don't know whether I did, and in fact, I don't know whether it was my business.

Q. Did you?—A. I don't recollect.

Q. Didn't you state in answer to a question I put to you that you had given the letter to the mayor to read in which the arrangement was stated that $250 was to be paid as a retainer and $1,000 after the passage of the bill? Didn't you say so this morning?—A. I stated that I showed Mr. Glass all the correspondence I had.

Q. Was not that in the correspondence?—A. I don't know whether I did or not; because he was not present; because I presented it to the council—handed it to the clerk of the council.

Q. You don't know. You never gave the mayor, Mr. Glass, any information for what this money was to be used, further than it was to be used for the passage of the bill; to aid the passage of the bill. You never told him that it was to be paid for the employment of attorneys or counsel in Washington?—A. I do not know that I did. I do not know whether I did or not. I did not speak much to Mr. Glass.

Q. Was it generally understood by your citizens that it was to be used in the payment of counsel?—A. It was.

Q. And you are sure that this letter, written by Mr. Warder, was read in open council?—A. It was. If necessary the city clerk will so testify.

Q. Is the city clerk here?—A. No, sir.

Q. Are there any members of the common council here besides yourself?—A. No, sir.

By Mr. FARQUHAR:

Q. You say you were secretary of this levee committee?—A. Yes, sir.

Q. And you were a member of the council at the same time?—A. Yes, sir.

Q. You did all the correspondence with Mr. Warder?—A. I did.

Q. How many letters passed between you?—A. May be three or four.

Q. Were they long letters, or just short business notes?—A. Short letters.

Q. Did Mr. Warder ever explain the means that he was going to use to carry this bill and appropriation?—A. No, sir.

Q. Then you blindly raised this money without knowing what it was for?—A. I knew what it was for.

Q. In this letter did he specify or inform you how he intended to carry the bill through?—A. I don't remember that.

Q. Do you recollect the contents of any letter?—A. Well, Mr. Warder wrote me one time that the bill looked favorable, and that Mr. Harrison was doing all he could, and he thought it would be all right.

Q. He thought it would be all right. Can you explain to this committee your own reasons why you saw it was necessary to hire Mr. Warder to do all this work?—A. I did not hire Mr. Warder.

Q. Then how did he get this $1,000?—A. We sent that to him to pay the attorney.

Q. To pay somebody you knew nothing about. You took the judgment of Mr. Warder, that was all?—A. Yes, sir.

Q. In none of these letters did you ever know who this man was?—A. No, sir.

Q. You did not know whether he could do anything; but you took Mr. Warder's judgment simply in the matter?—A. Yes, sir.

Q. Then you made Mr. Warder agent for disbursing this money for the best means of carrying this appropriation through?—A. Certainly; he was the only one I knew here, and Mr. Stealey—they were citizens of Jeffersonville.

Q. You had no communication with Mr. Stealey about this by letter?—A. No, sir.

Q. Consequently you and Mr. Warder did the correspondence in this whole matter?—A. Yes, sir.

Q. And you did it after consultation with your brother members of the council?—A. Yes, sir.

Q. And they gave their consent for you to do this?—A. Yes, sir.

Q. And when you wanted to raise the money you jointly made this note. How long was it before it was met.—A. I guess about eleven months.

Q. Why was it not met sooner?—A. Well, some members told me that Mr. Glass objected to it. He said he would not sign the order; and we just let it go. We thought that if it was not signed we would pay it ourselves.

Q. Was Mr. Glass the only one who stood in the way of this note being paid?—A. Mr. Glass and Mr. Schwaninger.

Q. The reason of their not agreeing to pay this note was the reason for its not being done?—A. We thought we would let it run on.

Q. This meeting, when this agreement was made in the council to furnish $1,000, was it a legal meeting of the council?—A. It was.

Q. Properly called?—A. Properly called.

Q. Have you charter rights to vote this money out of the treasury for this purpose?—A. We have a right to call a meeting, and I always thought we had.

Q. Do you know enough of the charter to answer positively?—A. I was so sure I didn't ask any questions.

Q. That is, you took the risks?—A. Yes, sir.

Q. There were no public meetings held in Jeffersonville where this $1,000 was ever discussed?—A. No, sir.

Q. This was done by your levee committee of the council itself?—A. Yes, sir.

Q. You and Mr. Warder did the whole of the negotiation?—A. As I was secretary, of course I did the correspondence, and I sent the money.

Q. You never knew why there was any impediment to the passage of this bill?—A. I was not acquainted enough here; but I thought it was like all cases in court, or anywhere, and it would be better to adopt this plan and have an attorney.

Q. Was there any reason given by Mr. Warder, or in any of those letters, or by any one from this city, why there was an impediment to the passage of this bill?—A. Not that I know of.

Q. You never knew that there was an impediment to its passage at all?—A. I don't know; don't remember of anything.

Q. Then where did you get your reason for voting the money? That I want you to answer in your own way. If it was private money I want you to say it. Mr. Schuler, I have been an officer of a city myself. When it comes to be public money it is a different matter. I will thank you to give the committee just a reasonable explanation of that feature of it. You had no knowledge of an impediment in any way. You have done the whole of the correspondence seemingly, and the secret is locked with you, whatever it is. And this committee desire to find it out. Now, what was the impediment; what knowledge have you that that money was needed for the passage of this appropriation?—A. That was an order of the committee to ask Mr. Warder's advice, and for him to do all he could and everything would be right; and, as I stated, I asked him if he thought it was necessary to send any more committees, and then the next letter I received was that he already had engaged the services of an attorney; and we thought he knew better than we did there.

Q. Did you ever know any reason why the attorney was needed?—A. I thought that, like all cases, it would be necessary and well to have an attorney—just like in court cases—to look after your interests.

Q. What reasons did you have to know that this attorney was needed, so as to justify the expenditure of money by the municipality. You must certainly have had some ground, some reason for action as a member of the council; and you had been intrusted by that council to carry on the correspondence; there must have been some reason why that was done.—A. Well, as I stated, we thought it necessary to have an attorney to look after our interests.

Q. What were the reasons for your thinking of this necessity?—A. It was discussed in the council, and I was ordered to do it; I don't know whether it was necessary exactly; but we thought it was.

Q. Was it sufficiently discussed at the special meeting of the council, and any reason shown why this money should be used here?—A. Yes, sir.

Q. It was fully discussed?—A. It was fully discussed.

Q. And you have no recollection now of the reasons urged by those who were in favor of appropriating $1,000? You cannot now give this committee the reasons that were urged before that council at that time to carry a vote in favor of this ap-

propriation?—A. Well, we spoke a good while on it. I don't remember exactly what was said. But it was passed to have an attorney here.

Q. You cannot give your own reasons why you voted that way?—A. Well, I am not acquainted with law business.

Q. Well, Mr. Shuler, all that I care for in asking the question is this: That you never had your reasons, as a member of that council, as the secretary of that committee, in asking the city of Jeffersonville to expend $1,000 for the passage of this bill. I should judge there were public reasons as well as private ones. But you evidently controlled the opinion in your committee; and you, as an officer of that committee, were intrusted with the correspondence. Were there any reasons given by Mr. Warder, or any one in Washington, why there was an impediment to the passage of this bill, and why this money was needed?—A. I can't give you the exact reasons.

Q. Answer the question your own way.—A. I only thought it was best.

Q. Then you have no reasons why this money was needed in Washington, only that you just thought it was best for your interests there?—A. That is it; I don't remember.

Q. And your recollection does not furnish you any reason at the present time?—A. No, sir.

By Mr. BLANCHARD:

Q. Did not Mr. Warder say to you that there was necessity for the employment of counsel here?—A. He said that he didn't think there was any use in sending on committees, and he had employed an attorney after he received my letter.

Q. And you didn't inquire of Mr. Warder the necessity for employing an attorney?—A. No, I was not ordered to inquire.

Q. Then you blindly paid that money out just on the say-so of one man, without knowing that there was any reason for its disbursement?—A. I paid it out by the order of the levee committee of the council.

Q. None of you knew of any necessity for this payment of money?—A. As I said before, we thought it was necessary, but I did not know whether it was or not.

Q. You did not know of any necessity to exist?—A. There might or might not.

Q. So far as you knew?—A. We thought it would be best.

Q. You did not know of any existing necessity for it?—A. I cannot tell that, for I was far away from here.

Q. Then you and the levee committee were in the attitude of being called on for $1,250, and you paid it without knowing the reason or the necessity for its payment.

Mr. FARQUHAR. That is where it is.

The WITNESS. Well, we paid it for the purpose of paying an attorney.

By Mr. BLANCHARD:

Q. To get this appropriation through?—A. And for the interests of our levee.

Q. But you don't know any reason for paying it, or any necessity for paying it?—A. I don't know exactly what the attorney had to do.

Q. You paid it, then, without making any inquiry as to what the attorney had to do. Is that it?—A. Yes.

Q. Is that the way you transact your private business, Mr. Shuler?—A. When I leave it to an attorney I think he knows what is needed in the case.

Q. Don't you know when you employ an attorney in your private business; have not you to know the reason or the necessity for the employment of counsel?—A. I trusted to Mr. Warder to have the attorney do what work was necessary for us.

Q. But you did not stop to inquire whether or not there was any sufficient reason for employing the counsel, or whether any necessity existed for employing counsel. That is the attitude in which you have placed yourself.—A. No; I didn't ask Mr. Warder for any reason.

Q. Well, then, you don't know what that $1,250 was expended for?—A. It was expended for the attorney.

Q. But you don't know what that attorney did?—A. No, sir.

Q. You never inquired——

Mr. FARQUHAR. Nor his name?

Mr. BLANCHARD. And you do not know his name?

The WITNESS. Mr. Warder told me his name, but I don't remember it.

Q. You never asked to see the vouchers that were signed by this attorney?—A. No, I never did. He said he had the receipts for it; but I didn't care about seeing them.

By the CHAIRMAN:

Q. You say you arrived here the night before last. The only reason that you did not come before the committee was that you got in late and were sleepy—got in at midnight, and made no inquiry as to your coming before the committee?—A. I came ere at midnight, the night before last, and was pretty well worn out.

ttees from there here and bearing their expenses?—A. Yes, sir.
nd on consultation with these committees after they came back, you all, who e management in this matter, came to the opinion that it would be well to Mr. Warder and Mr. Stealey, citizens of your town, for them to look after it; ey advised you to employ counsel, as being more economical than sending ttees here, or something to that effect?—A. Yes, sir.
Didn't he write you that in his opinion there was no necessity for you to $400 or $500 sending a committee; that it would be better to employ counsel ould attend to it, and that it would be more economical?—A. That is what I here before. I asked him whether he thought it was necessary to send any ommittees—we had sent two already; and then he wrote he thought there was in it.
hat it was cheaper to employ a man on the ground. Well, I understood you to the committee that you were not posted about this parliamentary law, and you ot present here, and did not know about the management of this question ally, and that you thought it better to employ counsel on the advice of a man trusted with the business, to take this matter up and get it up somewhere the line on the bill, and get it passed That was the way—that was the sub- of the whole contract; and it was openly and publicly made on the records of rn meeting, so far as you recollect?—A. Yes, sir.
Now, the time that occurred was just about the time you sent the $250, was it hat you agreed to the contract?—A. Yes, sir.
That was only a few days before you sent the $1,000?—A. It was the 1st or of June.
nd Congress adjourned about the 7th of July that year?—A. Yes, sir.
Well, do you know whether or not Mr. Warder, in the management of that, nder the advice of the counsel that he employed?—A. I reckon he did.
nd he reported back to you all he did in the matter, and that he had the vouch- d you were all thoroughly satisfied about it?—A. After it was passed I did not t was necessary for him to show the vouchers.
e told you he had them; and his character was such that you all doubtless t when he told you that he had paid the money out that he had done so; that, ught, was sufficient, and that the money had been expended in a proper way?— , sir.

By Mr. STONE:

ow, Mr. Warder was engaged in the first place. I understand you to say, and er witness, that two committees had been here to look after this appropria- -A. Yes, sir.
Were you on either of those committees?—A. No, sir.
Were you here at all?—A. No, sir.
Did these committees come, or were these committees sent here, by order of the l?—A. Yes, sir.
Did they report to the council when they returned?—A. I do not think they

council; but one of the committee—the first committee—told me that there was a probable chance to receive this appropriation.

Q. Then you were encouraged by this report, made by this committeeman, as to the probability of its becoming an appropriation. Did these committees, or either of them, to your knowledge, or did they so report to you, that they had conferred with Mr. Warder while here, or Mr. Stealey?—A. Yes, sir.

Q. Did you understand it from them as a matter of fact that Stealey or Warder, or either of them, was giving this matter attention, and their assistance to this appropriation? In other words, I want to ascertain how Warder came into this at all. Did he volunteer or was he asked to assist?—A. Well, he was asked to assist.

Q. I understand you wrote to him for advice. But how did you come to write to him for his advice as to how you should proceed?—A. Because he was a citizen of Jeffersonville.

Q. And lived here?—A. And lived here.

Q. And on that account you wrote to him as to the best way to proceed, and whether it would be better to send another committee here?—A. Yes, sir.

Q. Did you know before you wrote that letter that he had been authorized by these committees that had come on here, or in any other way, to look after that matter?—A. I heard the other committee had already spoken to Mr. Warder.

Q. You said this, that you wrote to him for his advice, and he wrote you back that it was unnecessary to send any other committee—that he had already employed a lawyer?—A. Yes, sir.

Q. I want to know what authority he had to employ a lawyer; who gave him any permission to do it; was he acting on his own motion?—A. Well, I don't know how that was exactly.

Q. In other words, when you wrote to Mr. Warder for his advice, you did not know what he was doing and what authority he had; you did not know that he had authority to do anything?—A. Not that I know of.

Q. He wrote you that he had taken the responsibility to employ counsel to look after this appropriation, and had agreed to pay $250 down and a contingent additional fee of $1,000?—A. He wrote back that he had engaged an attorney.

Q. And was to pay him $250 down and $1,000 afterwards upon contingencies?—A. Yes, sir.

Q. Did that strike you with any degree of surprise when he wrote you that?—A. No.

Q. Did it occur to you to ask yourself, or anybody else, by what authority Mr. Warder had made this employment?—A. Well, I don't know by what authority it was done.

Q. Then, you simply regarded Mr. Warder as a citizen of that city, and interested in its prosperity, and supposed that he had gone on and made this employment subject to your approval; was that the way?—A. I wrote him letters before that that I trusted everything to him.

Q. You say that you had authorized him before that—that you would leave everything to him?—A. Yes, sir.

Q. Who did that; who said that to him?—A. The levee committee.

Q. You have no such power?—A. The levee committee had given us power.

Q. Before you wrote to him for his advice?—A. I wrote him that the committee had met and asked him for his assistance and advice. We asked him if he thought it was necessary to send any more committees.

Q. In answer to that letter he wrote you he had already employed counsel. Do you understand that he employed counsel after he received this letter from you, or did he employ this counsel before?—A. I cannot tell.

Q. Well, you sent this money on here to him simply relying on his integrity and good judgment in the expenditure of it?—A. Yes, sir.

Q. The money came here, and what he did with it you do not know?—A. No, I cannot tell. But I supposed he would use it as he was ordered.

Q. Your purpose in sending it here was to meet his suggestion that it was necessary in the employment of counsel to look after this appropriation?—A. He did not say it was necessary.

Q. That it was the better thing—the best thing—to do?—A. Yes, sir.

Q. And you acted on that suggestion and sent the money to him?—A. Yes, sir.

Q. What he did with it you are not intimate enough to know, except that he said he paid it to the attorney?—A. Yes, sir.

By Mr. THOMPSON:

Q. I understand, Mr. Shuler, that before that letter was written to which Mr. Warder responded he had employed counsel, you wrote Mr. Warder that some resolutions had passed in the levee committee, that you met and passed some resolutions, instructing Mr. Warder to act for the levee committee and look after this matter?—A. Yes, sir.

a property holder at Jeffersonville?—A. Yes, sir.

mittee then adjourned until 10 o'clock on Monday morning.

MONDAY, *April* 5, 1886.

HULER recalled and examined.

Mr. LEHLBACH:

. Mr. Shuler, I want to ask you this question: Did you ever state to any itizen of Jefferonville, after you received that dispatch, that if the money nt on the bill would not pass?—Answer. I did not.

you ever tell Mr. Marsh so?—A. No, sir.

ou know Mr. Marsh, a lawyer?—A. I do.

you ever any conversation with Mr. Marsh in relation to the sending of this A. If I had, I do not remember it.

you ever say to Mr. Marsh, after you received this dispatch, that if the s not sent on the bill would not pass?—A. I do not believe I did. I am did not.

do not believe you did?—A. No.

, did you ever have any conversation with Mr. Marsh in relation to the send- money?—A. I do not remember that I had.

said just a moment ago that you did not believe you had. State if there is ty of your having said so.—A. I am sure that I cannot remember the least nt it.

, what do you mean? That you cannot remember anything about it? Do nber about it or not?—A. I cannot recollect that I ever had any conversa- Mr. Marsh; and I am sure that I did not make any remark that the bill pass if that money was not sent.

o one?—A. To no one.

Mr. FARQUHAR:

Shuler, how often does your council meet?—A. Every two weeks.

this matter of $1,000 ever considered in a regular meeting of your coun- We considered it at a regular meeting.

n it was one of the two weeks' meetings?—A. No, it was not. It was a eting; called in regular form.

these called meetings made a matter of record by your city clerk at Jeffer- —A. I think they are.

ourse it required a majority of your council to transact business?—A.

sh to ask a question that I did on Saturday—if you have any documentary that passed between you and Mr. Warder in your possession now with re-

action, made by yourself or others, to reimburse the city in this amount and settle all this matter?—A. No, no more than I have said, that if the city would not pay it, we were ready to pay it, we were responsible.

Q. Do you remember the reasons that Mr. Glass, as mayor, gave why he would not sign any order of your council for the payment of this money. What were his reasons? Of course it must have been discussed, you know.—A. He never gave any more reasons than I stated some one time, and I do not know whether it was the reason; but I never had any conversation with Mr. Glass about it that I remember. When I presented the telegram to Mr. Glass and asked him to call a meeting of the council, and Mr. Glass answered, either "the idea of them cutting down my salary," or "they cut down my salary, and sending a thousand dollars to Washington." I think that was the last that we spoke on that.

Q. Did Mr. Glass tell you that he did not think the money was needed at all?—A. He did not tell me so.

Q. Did he say that it was just like throwing away the money to do this?—A. He might have said it, but not to me.

Q. Did he ever say that to the council or in any meeting when you were there?—A. No, sir.

Q. Did Mr. Glass ever give any reasons before the council to that effect?—A. Not that I remember.

Q. All your knowledge is just simply the fact that there was something said about the cutting down of his salary $300, and he thought it was unfair?—A. That was his remark. He was very angry at the time he spoke, and I do not think he spoke three more words.

Q. Mr. Glass was persistently against this $1,000 proposition?—A. I suppose he was.

By Mr. ELLIS:

Q. Remember, as accurately as you can, and state exactly what Mr. Glass did say. Just as near as you can give his language, if you can.—A. Well, it is hard to recollect every word, but it is as near as I can tell it here that he said: "They cut my salary down," or "The idea of cutting my salary and sending money to Washington."

Q. Did he use any epithet towards Mr. Warder?—A. Oh, yes.

Q. What was it (in that connection)?—A. Well, he used pretty hard names.

Q. If you can remember, just give it, as hard as it was.—A. It was either that "he's a scoundrel" or a "son of a bitch." It was one of those terms.

Q. Are your councilmen paid? Do they receive a salary? Or do they receive compensation for each meeting—per diem?—A. They receive $2 per meeting.

Q. Well, at that called meeting, do you remember if any proposition was made by any gentleman of the council not to reduce that meeting to writing, to save the city; and afterwards when you had a regular meeting you could ratify and confirm the action of that meeting and take the necessary steps?—A. Yes; one of the members made a motion to that effect—that we should not charge the city for this meeting.

Q. Who made that motion?—A. I do not remember.

Q. Well, was that acted on?—A. Yes, sir.

Q. And no record—regular record—of the meeting was made?—A. I do not remember about this record. I do not remember whether the clerk made a record or not.

Q. Mr. Shuler, you were asked the other day whether you knew what the lawyers to be employed were to do. You responded you did not know. Do you not know that lawyers are employed all the time in connection with matters of legislation?—A. Yes, sir.

Q. Is it not a matter of universal notoriety that lawyers are constantly employed in matters of legislation before Congress?—A. Well, I think it is.

Q. You meant, then, that you did not know exactly what steps this attorney was to take?—A. That is what I meant.

Q. You trusted Mr. Warder, and trusted in his knowledge, his experience, and his opinion that the services of an attorney were necessary; but what you meant was, that you did not know precisely the steps which that attorney was to take. Was that what you meant in making the answer?—A. Yes, sir.

Q. You employ lawyers sometimes yourself in your private business matters?—A. I do.

Q. Do you instruct them what to do, or tell them your case and leave it to them?—A. That is what I do.

Q. If you knew what to do you would do it yourself?—A. Yes, sir; I employ lawyers sometimes more than I ought to.

The committee then adjourned until 10 o'clock to-morrow morning.

TUESDAY, *April* 6, 1886.

). SHULER appeared before the committee and stated that he desired to
statement as to whom he had sent the $250 to. In his previous statement
d that the $250 was sent to Mr. Warder. He desired now to state that he
he $250 to Mr. Stealey. He was therefore called to the witness stand and

Mr. STORM:

Shuler, why did you send this $250 to Mr. Stealey?—A. I think Mr. Warder
in the letter to send it to Mr. Stealey, the same letter that we had so much

letter that you said that you had lost or destroyed?—A. The letter that was
council meeting.
, that is the letter you state you cannot find.—A. I guess the city clerk has
not got it.
I understand you yesterday when you said you could not produce letters and
it was because you did not know where they were, because you had de-
ose letters and telegrams?—A. Yes, sir.
hat include this particular letter?—A. I do not know whether that was
not.
ou know where the letter is?—A. No, sir.
lo not know whether it is on file with the papers in the council?—A. I do
ber; I handed it to the city clerk.
t changed your opinion as to who you sent this $250 to since yesterday?—
was thinking over it, and I remember now that I sent it to Mr. Stealey.
that come to your mind itself, or was it suggested to you? Did anybody
ttention to it?—A. It came to my mind.
the time you sent the $250 you had not known Stealey in this transac-
Well, I had corresponded with Mr. Warder.
you known Mr. Stealey in this transaction, concerning this levee appro-
p to the time you sent the money?—A. Well, I did. I was ordered to write
rder, and to mention Mr. Stealey's name also.
to the time that you received the letter from Mr. Warder had Stealey's
mentioned in connection with this appropriation?—A. Yes, sir.
new Stealey at that time?—A. Yes, sir.
as known in Jeffersonville?—A. Yes, sir.
was that money sent, did you say?—A. I think I sent it by draft.
hat bank, or what kind of a draft was it; a bank draft?—A. I guess it was
aft.
hom was the draft payable?—A. I think it was payable to myself.
you indorsed it?—A. I think that is the way; I do not remember exactly
it was done.
hom was it drawn?—A. I think it was drawn on myself and indorsed by

ble to you and indorsed to Stealey, and that you inclosed it in the letter
?—A. Yes, sir.
hat is the only reason you can give—that the letter you received from Mr.
s to send it to Mr. Stealey?—A. Mr. Warder instructed me to send it to
r.
that the time that he said that $250 would be necessary for a retainer, and
passed $1,000 would be required—the same letter?—A. Yes, sir.
was that $1,000 sent to Mr. Warder on telegraphic order?—A. Because Mr.
structed me to send it to him; that is the answer to the telegram that has
here.

Mr. BLANCHARD:

you received any letter or telegram relating to this matter from Mr. Stealey
e time you sent him that $250?—A. No, sir.
sent this, as I understand you, to him by instructions from Mr. Warder?—

Mr. Stealey acknowledge receipt of the money?—A. He never answered me.
answered you?—A. I think Mr. Warder did.
rote you or telegraphed you?—A. I did not get any telegram.
he wrote to you acknowledging that Stealey had received the money, did
he not?—A. I do not remember.
you do not remember that you ever got any acknowledgment of that re-
Stealey?—A. I do not know now. Mr. Warder told me that he received it,
ght have sent me a letter about it, but I do not remember.
Warder say to whom Mr. Stealey was going to pay that money?—A. No, sir.

Q. You have been thinking the matter of the testimony over that you have give here since you were on the stand the last time?—A. I have.

Q. Have you endeavored to recollect the name of the man or the name of the atto ney that had been employed in this transaction?—A. No, sir.

Q. You have not endeavered to recollect his name, and have not recollected it?—A No, sir; I have never heard it but once.

Q. And you have never heard it since you have been here this time?—A. No, sir.

Q. You swear to that?—A. I do.

Q. Did you talk to any one, Mr. Shuler, with regard to this change in your test mony?—A. I have: I spoke to Mr. Warder about it.

Q. Did Mr. Warder tell you you had made a mistake in that regard?—A. No, si

Q. What did he say?—A. I told him I had read the testimony and my impressio was, that I sent the first money to Mr. Stealey.

Q. You yourself spoke to Mr. Warder, and he did not speak first to you?—A. N sir.

Q. Did you speak to anyone else?—A. I spoke to Mr. Stealey.

Q. What did you say to him?—A. I said the same.

Q. No one communicated any information to you on the subject?—A. No, sir.

By Mr. LAUFBACH:

Q. When did you arrive here in Washington, on the evening of Friday or Thur day?—A. Thursday night.

Q. You were subpoenaed here before this committee; you knew it was in session why did not you attend on Friday?—A. Because I was tired.

Q. Where are you stopping?—A. I am stopping on E street.

Q. In a private house?—A. Yes, sir.

Q. Who else is stopping in that house?—A. Mr. Goldbach and Mr. Warder.

Q. How did you happen to go to E street? Was that place recommended to you a. Mr. Goldbach, I think, told me he had made arrangements for a room.

Q. Did Mr. Warder not tell you that this committee was in session and that might be called here?—A. Yes, sir: but, as I said, I was tired. I saw Mr. Ste mer, and he said he would notify the committee that I was here.

Q. And during Thursday evening and Friday and Saturday you never had conversation about this case with Mr. Warder and Mr. Stealey further than you stated here in your evidence?—A. No, sir.

Q. No conversation about it at all?—A. I did not state that I had not.

Q. I say further than you have stated?—A. No, sir.

Q. They never asked you what you knew about the case, did they?—A. No,

Q. You stated in your evidence that you wrote to Mr. Warder asking how it be best to proceed, and that he answered you that he had already employed co and was to pay $250 as a retainer and $1,000 when the bill passed. Is no true?—A. Yes, sir.

Q. Then why was the $250 not sent to Mr. Warder?—A. Because Mr. Warder rected me to send the $250 to Mr. Stealey.

Q. He did not say that he had employed counsel?—A. Yes, sir; he did.

Q. Well, is not your memory now a little at fault. When he wrote for this $2 was there any mention made in that letter of employing counsel?—A. Yes, sir.

Q. You are sure of that. I mean when you were directed to send the $250; there anything said about employing counsel, or was it merely a statement that $250 was needed, and that it must be sent to Mr. Stealey? You remember that said that this letter was read before the whole common council.—A. It was.

Q. Was there in that letter any statement made about employing a lawyer?—A That is the letter where Mr. Warder said he had employed an attorney.

Q. You are sure that that letter stated that?—A. Yes, sir.

Q. Did Mr. Warder tell you, when you had the conversation about changing name, that Mr. Stealey received the money instead of Warder; did he tell you you were wrong in making that statement?—A. No, sir. I refreshed my memor as I was thinking over it.

Q. Did he not tell you that you had made a mistake when you told him yesterday that you thought that Mr. Stealey had received this money?—A. No, sir.

Q. He wrote and told you of the name of the lawyer he had engaged, and you have otten it?—A. Yes, sir.

Since you have been here in Washington, you have been asked by several mem- f the committee the name of this lawyer. In your conversation with Mr. , did you not ask him to give you the name of the lawyer here within a few refresh your memory?—A. I cannot tell his name.

ave you asked Mr. Warder yesterday or the day before yesterday to tell you me of that lawyer, the name of whom you had forgotten?—A. No; I did not im for the name.

ies, sir; $250.
here any members of the council here present who heard that letter read?—

are they?—A. Mr. Schwaninger.
the others.—A. And the city clerk, Mr. Burlingame, and Mr. Prather, the
rer.
you say that you sent a draft for the money or a check; which?—A. I sent a

you make any inquiry at the bank on which you drew that draft to see if
find it or not? Did you try to trace the draft?—A. No, sir.

IWANINGER sworn and examined.

the CHAIRMAN:

on. What is your name?—Answer. Abram Schwaninger.
at is your age?—A. Forty-two years.
here do you live?—A. At Jeffersonville, Ind.
at is your business?—A. My occupation is that of a shoemaker.
re you a member of the city council at Jeffersonville in 1884?—A. I was, sir.
you know anything in regard to the appropriation which was obtained from
of $50,000 for the Jeffersonville levee?—A. Well, yes, sir; I know something

ceed and state, in your own way, all that you know in reference to the con-
of any employés of the House with that appropriation—the action of the city
&c.—A. Well, I will endeavor to state to this committee as well as I can,
going back clear to the commencement. I will begin about the first of June,
the 3d of June, 1884. After this matter had been presented to Con-
d after the city council had sent probably two committees here to present
er to the members of Congress and to the committee, the city council ap-
by a regular meeting, on the 3d of June (I think I am correct about this) a
ee, whose duty should be to look after and use such means as to them seemed
procure this $50,000 appropriation. About somewhere between the 3d and
une, I cannot say which date, the council were called together in a meeting
alid meeting of the council, however), and this committee reported to the
of the council.
s that the first or the second committee?—A. That is the committee to secure
opriation. At this meeting of the council, as members of the council, not as
cil, the committee reported a communication from Mr. Warder. The lan-
the whole communication of course it would be impossible for me to state;
hing I do remember, that the proposition of Mr. Warder was that perhaps
ey would be necessary, and that the appropriation would probably be se-
t would probably need some help, and for the consideration of $1,250—$250
l an additional $1,000 when the bill became law—he, Mr. Warder, could se-
ervices of an influential friend who would assist them in working this bill

mittee reported to the city council in regular session that they had secure assistance of friends in Washington, an appropriation of $50,000 without an the city except the payment of the expenses of the committees—the former tees that the council had sent to Washington. That was the only formal rep this committee made to the city council.

Q. That they had secured it without cost?

Mr. ELLIS. May I ask a question on which to base an objection? Was writing?

The WITNESS. Yes, sir.

Mr. ELLIS. Then I object to the question. It is a municipal record, and h not testify as to that; the record is the best evidence.

Q. You are satisfied that it was entered upon the record?—A. Yes, sir.

Q. By the clerk?—A. By the clerk.

Mr. BLANCHARD. The clerk is here, and, I understand, under *subpœna du* to bring the books with him.

By the CHAIRMAN:

Q. State what else was said in that meeting as to the means that woul ployed, if any, by which this appropriation was to be secured.—A. Well, t about all at that meeting.

Q. How many were present at that meeting of the city council?—A. Wel not be positive as to that, but I believe the whole council attended; we gener a full attendance.

Q. Was the mayor present?—A. I think he was at that meeting

Q. Anything further said at the meeting of the council in regard to the $ $1,000 that had been spoken of?—A. The $250 or the $1,000, neither of th ever spoken of in the general meeting of the council.

Q. Well, was any information communicated to you in regard to the matte informal meeting? Had you any other meeting?—A. Only this one, betwee of June, which is the regular meeting, and the 17th, I think, of June, which next regular meeting, there was this informal meeting—the one to which t mittee reported the communication from Mr. Warder.

Q. And that was an informal meeting?—A. It was informal; the member council, I think, were all present. The mayor was not present, but I think members of the council were there at that meeting; as, however, it was not a meeting, there is no record.

Q. State, then, what was said. Was anything said as to the means that we employed to secure the appropriation?—A. Well, of course, there was cons said as to the probable use of this $1,250. There did not anybody seem to k what purpose this $1,250 was wanted—nothing more than was suggested in t from Mr. Warder—that it was to pay for the services of an "influential frie course, every member present had probably his own idea as to what use m made of the $1,250.

Q. Was the name of the "influential friend" mentioned?—A. No, sir.

Q. Was his profession mentioned?—A. No, sir.

By Mr. CLEMENTS:

Q. You say you had no levee committee until after this appropriation came a A. I did say so.

By Mr. BLANCHARD:

Q. Are you now a member of the council?—A. I am.

Q. You were re-elected last time; since this transaction occurred?—A. No was holding over; my term will be out this coming May—a two years' term. elected two years ago this coming May.

Q. Mr. Schwaninger, has any account of the disbursement of this $1,250 ev made to the city council by any one?—A. In the report of our standing lev mittee that was made to the city council, probably within the last mont weeks, the standing levee committee made an itemized report of the expense that report there is one item of expense styled "expenses at Washington" amount of $1,329.

By Mr. ELLIS:

Q. Is that in writing, I would ask?—A. It is.

Q. Is the record here?—A. That report was made to the council.

Mr. ELLIS. Then I object to that.

Mr. BLANCHARD. He can state that there was a report.

Mr. ELLIS. State the fact of a report, not the substance of a report. The co will bear me out that in the examination of Mr. Glass I made no objection to h but this objection is so palpable I feel forced to make it.

BLANCHARD (to witness). That report, then, was made by the committee?—A. tanding levee committee.

Mr. Schwaninger, something was said by some one about the city being put to rther expense except the payment for one of these committees.—A. That is the t of the committee to the city council.

The committee that was sent here? Did they report that?—A. No, sir; the nittee on securing the appropriation; there were so many committees that we able to get them mixed.

It was the committee on appropriation that made that report to the council?— es, sir.

Was that the only report that that committee on securing that appropriation, made?—A. It is the only report that that committee ever made to open council. y may have reported to individual members of the council, not to the council in ion.

Q. Had your council, at any time, in formal session, by ordinance or resolution, r authorized the expenditure of this $1,250 for the employment of an "influential nd?"—A. No, sir.

Q. But I do understand you to say that in an informal meeting of members com- ing the city council it was agreed to?—A. It was sanctioned by the members resent.

Q. It is true, however, that that expenditure has been ratified by the council?—A es, sir; is has been paid.

Q. Did the council ever inquire into how that money had been expended before atifying or paying the amount?—A. Not in any formal way. Each individual mem- er, of course, made inquiries and satisfied himself.

Q. Had you, as a member, made inquiries and satisfied yourself?—A. Yes, sir.

Q. What did you learn in that connection?—A. Positively, I could learn nothing as o what had been done, but only my own conjectures about what had been done.

Q. I would like to know upon what you based your conjectures?—A. I had my pinions. In the first place, I was opposed to making the appropriation of $1,250, d probably the only member of the council that had opposed it, in that informal eeting that I spoke of. I was the only member of the council present that opposed e payment and the appropriation of $1,250. I opposed it on general principles. d not suppose it was necessary. The former committees we had sent to Wash- ton City had reported—at least one of them—the prospect to be very favorable; d the bill would certainly become a law; that it would be secured; that our Rep- ntatives were taking a lively interest in it; and I was opposed to it because I did think it was necessary. I did not think it a very good practice for one legisla- e body to appropriate money to lobby another legislative body, and——

r. BLANCHARD. Very sound doctrine that is.

ITNESS. I thought that; not that I wished to compare our city council with the ngress of the United States. And we had assurances that the proposition was ing with favor, and the appropriation would be made. And as it was more es- lly an appropriation for the protection of Government property (certainly, in pro- g the Government property the city of Jeffersonville was getting the benefit nd we were interested, and it was asking for and obtaining an appropriation for otection of the Government property) it seemed hardly proper for the city of nville to make such strenuous efforts to get acts to protect the Government prop-

suppose the main object was primarily the protection of the Government prop- d incidentally protection of the city of Jeffersonville—it was incidental pro- —A. Incidental protection.

never heard, Mr. Schwaninger, the name of this attorney or this "influential" was to be employed?—A. No, sir. I never so much as understood he was y.

the question asked at this informal council meeting who this man was?— not.

r. BAYNE:

know Mr. Warder?—A. I do.

ng have you known him?—A. I cannot be precise; I suppose I have twelve or fifteen years, or probably longer.

see this letter that was read?—A. I might say I saw the letter. I did my own hands when it was read in this meeting.

know his handwriting?—A. I do not think I do.

know the caption—what sort of paper it was written on?—A. I do not.

not have the letter in your own hands?—A. I did not have it in my hat is that particular letter, I do not think. It seems to me, too, that ting—the evening of this meeting—that, after being notified that there decided on, I went to Mr. Shuler just before the time of the meeting,

[illegible] letter there in his store. But I do not reme[illegible]

[illegible] the letter?—A. Yes, sir.

[illegible] I looked over it; read portions of it. It [illegible]

[illegible] Warder's handwriting?—A. Oh, yes; I have seen [illegible] positively that I could recognize it.

[illegible]—A. Yes; I think I have; being a mem[illegible] while Mr. Warder was mayor, I could not help seeing his [illegible]

[illegible] that letter?—A. I think I read the letter.

[illegible] whom it was signed?—A. It was signed by Mr. [illegible]

[illegible] signature?—Yes, sir. Now, understand that this [illegible] years ago, and not expecting to be questioned about [illegible] have forgotten it. I cannot be expected to repeat th[illegible]

[illegible] whether, having seen the letter, and having seen [illegible] to say that you would be able to identify his handwr[illegible] letter has been any doubt in my mind that it was Mr. Warder's letter. [illegible] was Mr. Warder's letter from Mr. Shuler saying so, and being [illegible] from Washington.

[illegible] what conclusion did you come as to the handwriting in the letter, [illegible] knowledge of Mr. Warder's handwriting and from seeing him w[illegible] as to that, not being sufficiently familiar with Mr. Warder's ha[illegible]

[illegible] you recollect what sum was mentioned in the letter, if any?—[illegible] and fifty dollars; that is, $250 down in advance, and an addition[illegible] as the bill became law. I think that was probably the wording of t[illegible]

[illegible] that money was paid by the council?—A. That money, with in[illegible] time that it was contracted for until it was paid. Mr. Glass had refus[illegible] and refusing to call an extra session of the council to appropriate [illegible] Mr. Shuler, of the committee, did call the council together with the view [illegible] the $1,000 and sending it to Mr. Warder; but, after getting t[illegible] as if the matter was creating considerable excitement, and it w[illegible] to hold a regular meeting of the council, but to raise the money in [illegible] way. And the committee, or members of the committee, as I understand [illegible] one of our national banks did raise it. From that time on until the note [illegible] paid by the city of Jeffersonville the interest had accumulated so that it a[illegible] $1,329.

Q. Who was chairman of that committee? That committee that was [illegible] on the note?—A. Dr. Fouts.

Q. Is Dr. Fouts here?—A. I think not.

Mr. BLANCHARD. He has not been subpœnaed.

By Mr. LEHLBACH:

Q. This letter from Mr. Warder was read in the open meeting of the com[illegible] cil or the informal meeting?—A. It was read in the informal meeting.

Q. Did the letter state the name of the "influential friend," or the influ[illegible] son that was to help this bill through?—A. It did not, sir.

Q. Did it state that it was for the employment of counsel?—A. It did n[illegible]

Q. Are you positive about that?—A. As positive as a man could be abou[illegible] that had transpired over a year ago. I am sure that the name of the perso[illegible] ney did not appear in that communication; nor have I heard of the name o[illegible] ney since, or that he was an attorney.

By the CHAIRMAN:

Q. When you had this conversation with Mr. Glass he declined to call t[illegible] together, did he? Did you see him in reference to calling the council tog[illegible] No, sir; I did not. It was the committee that went to him. Mr. Shuler, [illegible] tary of the committee, went to Mr. Glass and asked him to call a meet[illegible] council for the purpose of considering this proposition.

Q. You recollect now that you had some conversation with Mr. Glass? [illegible] not. I do not think I have stated so. Mr. Glass and I have frequently ta[illegible] this fact down there.

Q. About that time?—A. Yes, sir.

Q. Did he state anything about declining to call the council?—A. Yes, s[illegible]

Q. What reason did he give?—A. He seemed to be opposed to the paym[illegible] ney; probably on the same general principles that I was. I cannot say [illegible] at his reasons were.

By Mr. BAYNE:

. Was there any mark on this letter, "private," "personal," or "co[illegible] was it an open letter without any mark?—A. Well, it seems to me tha[illegible]

dential" came in some place, but I cannot say positively whether it was the letter, or whether it was in relation to some portion of the communication.

By Mr. ELLIS:

ou are absolutely sure that the word "confidential" was on that letter, but e that it was with reference to the whole letter?—A. I do not know.

ut you are positive that somewhere on that letter, in relation to some part of word "confidential" was on it, or words which indicated that a portion of it or ole of it was sub rosa?—A. Yes, sir; that is my impression.

did not ask you about your impression, sir. It is hardly fair for the reputa- men to be destroyed by impressions. I want you to be positive one way or er.—A. As I said before, it would be hard to say positively that a thing was, it was not, that had transpired two years ago. It is hard for me to say, posi- yes or no.

ou are positive that the words "influential friend" were there?—A. I am ositive as to that.

nd yet you cannot be positive whether there was any word indicating that the ras "confidential" or any portion of it?—A. I am not so positive as to that; if the word "confidential" was used, as I think it was, it was used not with ce to the $1,250, but with reference to mention having been made concerning her parties.

'ho were the other parties?—A. I think the names of the other parties that poken of in that letter—I think that in the communication Mr. Warder made n of Mr. Stockslager's position on this question, and that it was with reference that Mr. Warder said it should be "confidential."

'hat was Mr. Stockslager's position in regard to the measure, as indicated by tter?—A. In opposition.

'hy, a few moments ago I understood you to say that your Representatives ere for the appropriation?—A. That was the report from our committee that t here.

nd yet you learned from this letter that he was opposed to the appropria- -A. Yes, sir.

o you not know it to be a fact that Mr. Stockslager, who then, I believe, was Representative, and the predecessor of Mr. Howard, was not here at all, but Indiana, to use a slang phrase, "looking after his fences," seeking the nom- n?—A. Probably he was; I cannot say.

'hen your Representative was not here, as far as the House was concerned, g after and laboring to get this appropriation, your committee to the contrary, hstanding; is that not so?—A. Well, you say so; I do not know. [Laughter.]

'ou have just testified that Mr. Stockslager was looking after his nomination. n not?—A. I did not say so.

Do you not know that for a month or two months he was?—A. I do not.

When were you made a member of the council, Mr. Schwaninger?—A. In May, I believe.

You held over; you were not a candidate at the last election?—A. No, sir.

Did not your council, by formal resolution, authorize Mr. Stealey and Mr. er to take an interest in and look after this appropriation?—A. I think not; if l, it would be on record.

Did you not organize the levee committee inside of your council—the standing committee?—A. Yes, sir.

When was that done?—A. That was done, probably, some time in July, after ppropriation was secured.

Is it not a fact that you had a standing levee committee, composed of members ur council, before that time?—A. The standing levee committee? No, sir.

Of which Mr. Shuler was secretary?—A. As I stated, that was the committee ated to look after and use such means as to them seemed best to secure the ap- riation. That committee may have corresponded and asked Mr. Warder and Mr. ley for assistance.

When was that committee organized?—A. That committee was organized in , I suppose. The records will show that.

Was it not organized immediately after the city of Jeffersonville was devastated e overflow?—A. No, sir; not this committee.

That standing committee?—A. This is the committee on securing the appro- on.

That was the levee committee?—A. Well, it may be termed a levee committee, as working in the interest of the levee.

Who composed the committee? Who was the chairman?—A. I think I am cor- f not, the records will show: Dr. Fouts, Dr. Graham, A. O. Shuler, and F. A. r, all members of our city council.

Who was chairman?—A. According to our custom, the first named member of the ittee acts as chairman; that would make Dr. Fouts chairman.

Q. Who was secretary?—A. A. O. Shuler.

Q. Then the whole business of looking after securing this appropriation in beh of the council was intrusted to these four gentlemen?—A. It seemed to be.

Q. That, then, was your levee committee, was it not?—A. Well, then we hav committee now that we style the levee committee.

Q. What was the designation of that special committee—committee on appropriat for the levee, was it not?—A. I do not think it ever got any special name.

Q. Well, then, tell this committee what was the business of that committee?—A have stated a time or two what it was appointed for.

Q. Let us have it a third time.—A. That it was to look after the appropriation

Q. For what?—A. For the $60,000 to build the levee.

By Mr. Grove:

Q. These are the four gentlemen you name?—A. Yes, sir.

Q. When was the other levee committee made?—A. After the appropriation made.

By Mr. Grove:

Q. You have testified in your examination-in-chief, that there was no l committee until after the appropriation was granted?—A. I have.

Q. When was the bill approved to give you the appropriation?—A. The early or June.

Q. In your examination-in-chief you testify that no levee committee was appoi until after that appropriation, now you testify that there was a committee before appointed appointed in June to look after the appropriation for this levee?—A. I there was two committees.

Q. Now Mr. Schwaninger, do you not know that the special committee, appoi in June or whenever it was appointed, was in constant correspondence with Me Warder and persons therein—I do not know—requesting them to look after thi appropriation?—A. I think they were.

Q. Were they not authorized to act for that committee, and by that committe behalf of the city of Jeffersonville?—A. I do not; they were not entirely. Whe appoint a committee with authority to act the resolution that appoints them g also says that they are to be appointed to act. I do not remember what wa wording of the resolution that created this committee.

Q. Do you not know that they did correspond with these gentlemen?—A. Y am satisfied that they did.

Q. Do you not know that these gentlemen were expected to use their exertio pass this bill; that the citizens of Jeffersonville expected them to do it, as bein interested in the town?—A. Certainly.

Q. Mr. Schwaninger, was there any secret made about this confidential lett A. Yes, sir. It seemed to be, from the fact that it was not generally unders generally known as a public matter.

Q. And yet, while it was understood to be a secret, what steps were taken to s the $1,000?—A. To secure the $1,000?

Q. Yes, sir.—A. As I have said before—it would be almost necessary for me over the same statement again—the first attempt to secure the $1,000 was a meeting in response to a telegram received from Mr. Warder asking for the mo and a meeting of the council was called by members of the committee, as I u stood it.

Q. And this meeting met?—A. The meeting did not materialize. They never together. While present just at that time, it seemed to be generally known wha object of the meeting was, and as it caused some little excitement, it was thought not to hold the meeting, but to raise the money in some other way, and the commi with other citizens, had borrowed the money.

Q. A good deal of public excitement?—A. There seemed to be considerable ex ment.

Q. Who did you hear give any expression about it?—A. There was such a ge expression that it would be hard to state.

Q. Name some influential citizens who were excited about it?—A. One who said to be much excited about it was Ephraim Keigwein.

What is his position?—A. He is a magistrate.

Well, did he think it was an outrage?—A. He seemed to.

t, in the face of all that, the present council have voted to pay that in the outraged people?—A. In the face of that outraged people.

e dictum of popular sovereignty does not seem to obtain there. Well, en and public steps were taken to secure that $1,000?—A. Open and pu hat was the only attempt.

Do you not know, Mr. Schwaninger, that eight or nine of your best citize ur most prominent citizens, including members of the council, carried a note t nk and negotiated it, and raised the money? Do you not know that?—A. Ye

s to an act of that kind?—A. Well, I do not. Of course I do not think that
rould.
I hardly think so myself. Well, now, Mr. Schawaninger, you have stated, I
e, that your impressions were that this money was not to be legitimately used.
rou know that the illegitimate use of money here in furtherance of a bill is a
?—A. Did I say so. I did not say that.
Vell, I will ask your opinion. Do you believe it is a crime to use money ille-
tely to secure legislation by Congress?—A. I do.
t was your impression that it was to be used to secure legislation?—A. It was
pression that it was unnecessary.
'ou have stated that the letter was marked "confidential" in some respects.
ıve stated that there was no eminent attorney; you have further stated that
'influential friend" was to be paid by Mr. Warder, and I think that you stated
ıat fact gave to your mind the impression that this money was not to be used
ıately?—A. I think not; I do not think I used the word illegitimately.
Vell, did you believe it would be used for a legal or an illegal purpose?—A.
I believed that the money was being procured in a manner that was depriving
y of $1,250, and was not calculated to do us any good.
Vell, answer my question. Did you believe it was to be used for a legal or an
purpose?—A. An illegal purpose.
Iow, what illegal purpose did you think it was to be used for?—A. In various
I suppose, and it was to employ an "influential friend." That "influential
" would probably use the money in such a way as to influence members of the
ttee. In fact it was intimated that the money would probably be used in com-
.
'his $1,250 was to be used for the purpose of bribing the fifteen gentlemen who
ıuted that committee. Did you not think Congressmen were pretty cheap?
ıu believe that?—A. No; I did not; it occurred to me it was a small sum to buy
nittee. I considered that it would be a very good bargain if you could buy a
ttee for that sum.
ınd yet you, believing it was to be used for an illegal purpose, have slept two
vith that on your conscience and never showed any disposition, with your
Mr. Glass, to have an investigation of this matter before?—A. Well, I have not
ıch to do with bringing on this investigation, sir.
Vhy did you not as a member of the council?—A. As a member of the council,
ıs to me that, being one to nine, it would be an up-hill business.
ıt could you not have asked for the receipts and vouchers on which this money
ıid? That certainly would have been in your power. Could you not have done
-A. I probably could have done that.
Vould not public opinion have sustained you if the nine did not?—A. Public
ı, probably, would.
ı it not a fact that at your last municipal election this whole question was made
ical issue with your people?—A. Yes, sir; it was.
t was made a political issue?—A. It was quite a prominent issue in our last

[illegible] —A. The present member of Congress.

[illegible] candidate at that time? Was not he either a candidate for nomination [illegible] I do not know whether he was; it was two years ago.

[illegible] November, 1884?—A. I think he was expecting [illegible] before the convention.

[illegible] present?—A. Our city treasurer and city clerk were present [illegible] the council.

[illegible] members of the council?—A. I would not be positive; I think [illegible].

[illegible] letter was read in the presence of the city treasurer, the [illegible] the city council?—A. Yes, sir.

[illegible] present?—A. I do not remember.

[illegible] Mr. Schwamberger, that that letter made no reference whatever [illegible] any another?—A. I am quite positive.

[illegible] that the terms "confidential," "influential friend" were [illegible]—A. That was the term, to my best recollection.

[illegible] where have you been stopping since you came here?—A. I am [illegible] a former resident of our town, on Pennsylvania avenue.

[illegible] where did you go?—A. I arrived on Sunday morning, [illegible] the St. James Hotel.

[illegible] the train?—A. No, sir.

[illegible] stopping at the St. James?—A. Mr. Frank and I came [illegible] to the St. James.

[illegible] council who have been summoned?—A. After we ar[illegible] the register, we found the name of Mr. Glass.

[illegible] from the St. James?—A. On Sunday, sir.

[illegible] morning and stayed during the day?—A. Yes.

[illegible] for the nomination for mayor at the last election?—A. I [illegible] of the nominating convention.

[illegible] through your delegates?—A. Mr. Glass was my choice

[illegible] for the nomination?—A. He had never announced himself [illegible] it was understood amongst his friends that if he received the [illegible] make the race.

[illegible] "Barkis was willing," but the people were not. [illegible] a candidate until the very time of the nominating conven[illegible] withdrawn?—A. I suppose he was. I considered he was.

[illegible] with him during the last two years about bringing these [illegible]—A. We have talked about this matter several times.

[illegible] when?—A. Three or four times.

[illegible]—A. Well, [illegible] it has been probably within the last year, and we [illegible] ago. Then we talked frequently about it.

[illegible] conversing with him since your arrival here about the prosecu[illegible]—A. In a general way we have talked about it.

[illegible] since you have been here?—A. Without having any special [illegible] we may have spoken of the subject in a general way, as we are stopping [illegible] at the same house with Mr. Davis.

The committee then adjourned until 10 o'clock to-morrow morning.

TUESDAY, *April* 7, 1886.

A. SCHWAMBERGER examination continued.

By Mr. ELLIS:

Question. Mr. Schwamberger, were not some resolutions passed by the council of which you are a member, thanking Messrs. Warder and Stealey for their services in preparing that legislation?—Answer. I cannot be positive; I think there was, though.

Q. Were you present at that meeting?—A. Well, I was, I expect; if such resolutions were passed I was present at that meeting.

Q. You do not remember whether you were present or not?—A. I have not any positive recollection about it: but I was of the impression that such resolutions were passed by the council: if so, I was present; I do not remember of being absent from any regular meeting.

Q. Did you vote for the resolution?—A. I expect I did.

Q. Did you vote?—A. I do not remember.

Q. Do you keep a record of the "aye" and "no" votes that you have?—A. Yes.

Q. You have a call of the roll when you have an "aye" and "no" vote?—A. Yes, sir.

Q. Is there a citizen of Jeffersonville named Marsh, a lawyer?—A. Yes, sir.

shington City for the purpose of securing an appropriation for the construction
vee at this point for the protection of the approaches of the United States
ment building and the city from floods; and the said L. F. Warder and O. O.
y, esq., have and deserve the thanks of this community for their labors in this
; and

solved further, That a committee of three members of the council be appointed
after and take such steps as may to them seem right and proper to secure
ppropriation.

s.—Schwaninger."

s that you, sir?—A. That is my name, sir.

hen you were present and did vote for that resolution?—A. Yes, sir.

hat was June 3; and the second resolution is, that a committee of three mem-
the council, Messrs. W. D. Fouts, T. A. Graham, and A. O. Shuler be appointed
nittee to secure such appropriation; and on motion of W. D. Fouts, Mr. F. A.
was added to the committee. Did you vote for that, also?—A. I did.

hen it appears that there was a committee—a levee committee—appointed to
fter this appropriation long before this appropriation was made?—A. Well,
as not the committee that we termed the levee committee. Whilst it was work-
the interest of the levee, it was not what we termed the levee committee.

Vill you please state to the committee whether that flood reached and devas-
your house and that of Mr. Glass?—A. Not mine; mine is up on high ground.

Vhat is the location of Glass's house—up on the hill, too?—A. No, sir. The
od, in 1884, reached his yard. I believe it did get into a part of his house.

ou did not suffer at all?—A. Not directly; not from the flood; not from the

our house is more elevated than the general level of Jeffersonville?—A. I should
r 7 feet above the level of the flood.

Vhat is the elevation of Mr. Glass's house above the average level?—A. I can-
as to that.

Vhat is your impression, or your observation. You know his house, and have
t the house, and all that. What would you say relative to the elevation of his
e compared with the common level of Jeffersonville?—A. Mr. Glass's house is
rably below the level of my house, and, perhaps, considerably above the lowest
the city; about on the average grade of the city.

ow could it be on the average grade, considerably lower than yours, and con-
ly above the level of Jeffersonville. You are 6 or 7 feet above the average
is Mr. Glass's house 3 or 4 feet lower than yours?—A. Well, my house is as
s 6 feet higher than his.

hen his is not more than 1 foot above the average level?—A. I do not think

low deep was the water in the streets of Jeffersonville?—A. Varying depths;
ere from 6 inches to 10 feet.

By Mr. THOMPSON:

the one. It was the same evening that I heard that letter read that I received the first knowledge of the $250 being sent.

Q. Was that $250 sent by direction of the board of the common council there?—A. No, sir.

Q. Was it sent by direction of the levee board?—A. By the direction of this committee, I think is what I understood.

Q. You had appointed several committees before that?—A. There had been several committees.

Q. And that $250 was sent on by that committee for the payment of expense under these resolutions?—A. That is my understanding.

Q. And they took the responsibility of sending the $250 that was first sent?—A. They did.

Q. Did they report their action to the council and have it approved?—A. They reported their action to this informal meeting.

Q. They had made no report up to that time?—A. No, sir.

Q. Well, now, I understand you that when that committee made that report, and when they received Mr. Warder's letter asking for the $1,000, did his letter mention the $1,000 or the whole $1,250?—A. That request for the $1,000 was in the shape of a telegram. I did not see the telegram; but I understood it was for the additional $1,000.

Q. The letter—the "confidential," "influential friend" letter—it came pretty much at the same time?—A. No, sir. The first I heard of the "confidential," "influential friend" letter was somewhere between the 3d and 17th of June; somewhere between those dates.

Q. That was the time when the council meeting, called the informal meeting, was held?—A. Yes, sir.

Q. At which they agreed to employ counsel?—A. At which the members present sanctioned the employment of counsel.

Q. And at that time you voted against it?—A. I did.

Q. Glass was not there, then?—A. He was not there.

Q. Where was he?—A. I think he was in Chicago.

Q. Was not Mr. Glass there when the telegram came on the 2d day of July, at which the money was to be raised?—A. I might possibly be mistaken, but my impression is that he was at the National Republican Convention.

Q. At the time these resolutions came up about Warder's action, and when Mr. Shuler also brought his letter there before the common council and asked that it indorse his action, at that time you say you voted against it?—A. I did.

Q. The reason you voted against it was because you considered it unnecessary; was that right?—A. Yes, sir; I think that was what I stated.

Q. You said you had Representatives and Senators here to attend to that business, and you considered the employment unnecessary and the expenditure of this money unnecessary? That is what I understand.—A. I think that was about what I said.

Q. When you, by resolution, voted that that committee should take such measures as they deemed necessary to carry out this and secure the appropriation, what did you think they were going to do?—A. I really could not see what might arise, or what particular line of action theirs would be.

Q. You must have had some idea in your own mind when you appointed the committee and instructed them to take such steps as they deemed necessary. There must have been something in the mind of the common council that it was going to be necessary. What were they to do, in other words?—A. I cannot say as to what was expected of them at all.

Q. You do not know what idea you had at the time when your committees were to take such measures as they might deem best, as to what they were going to do?—A. That has been a good while ago; I do not remember what my ideas were.

Q. Well, they went on and took such measures as they deemed best, and it resulted in the agreement to pay $1,250, which was approved by the board as a wise measure, and against which you voted. Now, then, I understand you also to say, that you concluded that it was not necessary to send anybody here, or employ anybody here, because you had Members and Senators to look after this matter, and that the committee had reported that the thing looked favorable and that it would be carried through. Was not that about the way I understood it?—A. That seems to be about the way I stated it.

Q. That committee had already been here before these resolutions had been voted, and came back some time in May, and the last one also came here before those resolutions had been voted upon?—A. I guess there had been two committees here and back.

Q. Well, now, what do you think of these committees that you sent here? You helped send them here and paid their expenses?—A. One of these committees.

Q. Amounting to some $300?—A. Yes, sir.

hat $300 was to pay the expenses of two persons that were here, and I think they here probably several weeks.

Well, now, do you think it took them all that time to come here and tell your ers of Congress and Senators the condition of things there?—A. I had not the est idea of how the business was done.

I understood you likewise took the position that you were opposed to paying an ey and sending money to Warder, because you were opposed to one public body ing another?—A. That was one of my reasons.

You were not opposed to the $300 lobby, but to the $1,000 lobby?—A. I did not on that as a lobby, for I looked upon that committee as being authorized by the ouncil to come to Washington to present these matters.

But you thought it would be awful to employ a lawyer to do the same thing, ou?—A. Well, the matter had progressed so far that I did not think it was ary. These committees came back and reported things favorably, and there- did not seem to be necessary. I think Mr. Warder said in one of his letters to huler that as a citizen and tax-payer of the city of Jeffersonville, he protested it sending any more committees; and I should not wonder if he was right about

nd that the best advice he could give was to employ somebody on the ground?— nferred that Mr. Warder and Mr. Stealey would see to anything that would be best interests and attend to it.

nd you thanked them for what they had done?—A. They were entitled to that; did not think they were entitled to $1,250 for their services.

Vell, if they did not get $1,250; if it was paid out by them to an attorney, there be no objection?—A. Oh, yes; I would object to paying $1,250 to an attorney, fluential friend" at that time, because I did not think that the expenditure of was necessary.

Tou were not here?—A. No, sir; the $300 that was expended, I did not think be used for lobbying purposes, but simply to pay the expenses of that com- to Washington, traveling and hotel bills.

Vell, the fellow that was employed here has to have hotel bills also?—A. But two gentlemen were employés.

Tes, if they got the money; but you authorized them to employ a lawyer?—A. I t authorize them to employ a lawyer.

But they all voted to employ a lawyer but you?—A. There did not anybody

Did not that special meeting, which you say was not a valid meeting?—A. ly; it was an informal meeting; it was without authority, because it was an al meeting of the council.

It was regularly called, was it not?—A. I would not say that it was.

While it was not called by Mr. Glass, it was by Mr. Shuler?—A. Oh, no; Mr. r could not call a meeting of the council any more than any one member of the il.

Who could call a meeting?—A. Any five members may call a meeting

Q. [illegible] the minutes?—A. I do not know [illegible] a memorandum of the meeting.

Q. [illegible] the minutes of the meeting?—A. [illegible] keep the minutes.

Q. [illegible] the employment of counsel was that it was [illegible] of no importance.

Q. [illegible] committee yesterday you objected to it because you regarded it as an illegal expenditure of public money?—A. Yes; that was another objection [illegible]

Q. [illegible] committee that that money was to be applied to an illegal purpose [illegible] that it would be?

Q. [illegible]—A. Possibly I did say that yesterday.

By Mr. [illegible]

Q. [illegible] mention. I believe you state that on or about the 15th of July you were present at a meeting of the council when the following report was made:

JEFFERSONVILLE, IND., *July* 15, 1884.

To the honorable Mayor and Common Council:

GENTLEMEN: Your committee to whom was referred the matter of securing an appropriation from Congress to build a levee at Jeffersonville, beg leave to report that they have through the efforts of friends at Washington been successful in getting the appropriation of $50,000, which we believe will restore confidence and prosperity to our city. We have thus far incurred no expense to the city, except the payment of the expenses of a committee authorized to visit the Capital. Your committee deem it due to Mr. L. F. Warder and O. O. Stealey to state that these gentlemen gave their services without compensation and without cost to the city of Jeffersonville.

That is signed by W. D. Fouts, T. A. Graham, A. O. Shuler, F. A. Young, committee on levee, as they style themselves. Did you vote to concur in that report, sir?—A. I believe I did, sir.

By Mr. LEHLBACH:

Q. You have said, Mr. Schwaninger, that this committee was appointed and sent here on account of the knowledge they had of your location, their familiarity with the necessities of your town, &c., to present this matter to Congress?—A. That is the way I understood it.

Q. And being familiar with the circumstances surrounding the case they were to urge upon Congress the necessity of the appropriation. In other words, they were not to use any money here for the purpose of influencing legislation, was not that the idea?—A. I do not think they were to use money.

Q. And therefore, as I understand it, you had no objection to the committee coming here?—A. No, sir; I never objected to that committee.

Q. Was anything said about money being used before Congress? Was it known or thought that the lobbyists did affect legislation here? Were there any such reports in your community as Congressmen being influenced by such a consideration?—A. Oh, well, the idea of influencing Congress with such a small amount of money was not very seriously thought of.

Q. Had you heard such rumors on the part of men or women?—A. I heard such rumors.

Q. Did you know nothing about how such matters were managed here?—A. No, sir.

Q. And the fact of Mr. Warder and Mr. Stealey being connected with the House, you naturally placed more confidence in their knowledge as to how legislation was effected than you would have placed in those outside?—A. Certainly.

Q. And when you received word that it was necessary to employ money, while you did not think it legitimate, yet it seemed to have its effect upon others, and the appropriation was made. You have said, I believe, that Mr. Warder stated that he had an influential friend who would affect legislation; did you not so state?—A. That is my recollection.

Q. And you did not know whether that friend was a member of the committee, or who he was?—A. No, sir.

Q. You, among others, obtained knowledge as to what moneys were necessary, and the money was sent?—A. Yes, sir.

Q. You had never been to Washington, as you say, and did not know what the procedure was, and you thought the money was sent on for legitimate purposes. Is that what you stated?—A. That was about the amount of it.

Q. It was, then, their intimacy with members, their knowledge of the procedure here in the House, that caused the money to be sent to them. Is that what you stated?—A. Well, it was that in connection with their being citizens of our town, and I thought they certainly would have an interest in our town as citizens, and be

ing located here, could work in our interest at less cost than the repeatedly sending of committees from our city to Congress.

Q. And that they knew what was necessary to carry out the matter?—A. Yes, sir; because they were better acquainted with such matters.

Q. I understand that there was an informal meeting of the common council which authorized the sending of $1,250 here, was there not?—A. There was an informal meeting of the common council to which this committee referred its doings which sanctioned the action of the committee—indorsed it; that is, the members present.

Q. Counsel has just read a resolution adopted some time in July, which states, in substance, that this appropriation of $50,000 was obtained without expense to the city?—A. Yes, sir.

Mr. ELLIS. Thus far, if you will pardon me. The words are "thus far incurred."

Mr. LEHLBACH. But the appropriation had been made thus far.

Mr. ELLIS. That is up to that time.

Mr. LEHLBACH. When, Mr. Schwaninger, was the money paid by the city of Jeffersonville? The taking up of this note of $1,300, was about a year afterwards, was it not?

The WITNESS. Yes, sir; I think it was probably not taken up until last July.

Q. Is there anything, to your knowledge, appearing on those records that any money was ever paid to any attorney for the purpose of lobbying this bill through Congress, except when the bill was ordered paid about a year or a year and a half after the bill had been passed?—A. No, sir; I do not remember of anything being on record to that effect. This committee did not report its doings to the council in regular session until this final report.

Q. This resolution stands in this way, as I understand it, that Mr. Stealey and Mr. Warder received the thanks of the common council of Jeffersonville for their action in putting a bill through this Congress without any expense to the community, is that so? At the same time every member of that common council knew that they had received $1,250, and that money was expected to be collected thereafter from the city of Jeffersonville, is not that so?—A. That is a fact; yes, sir.

Q. Well, for what purpose was this resolution passed in that way? I will ask you first, did you vote for the resolution?—A. I guess I did.

Q. Now, did you not know that this $1,250 to be thus paid by action of the common council was to be returned to those who had advanced the money?—A. Yes, sir.

Q. Then why did you vote for that resolution?—A Well, I was perfectly willing to extend the thanks of the council to Mr. Warder and Mr. Stealey for their services, and as the city up to that time had not been called upon to pay that $1,250, I did not know but possibly the city would not be called on. They reported that there had been no cost to the city, and I was perfectly willing to extend the vote of thanks to those gentlemen.

By Mr. STONE:

Q. Up to that time there had been no cost to the city?—A. Up to that time the city had not paid out any money, but it was generally understood by the members of the council that the city would be expected probably to pay the money, or take up this note, or to reimburse the parties.

Q. That was a question for the future. We are speaking as to what transpired at that particular time. The question as to whether this money should or should not be paid was one of the issues which entered into the election there, was it not?—A. Yes, sir.

Q. And the election was held subsequent to that time?—A. Yes, sir.

Q. There was an individual liability up to that time, and not an official liability, as I understand it?—A. Yes, sir; that is the amount of it.

By Mr. LEHLBACH:

Q. How many members of the council, to your knowledge, were on that note?—A. To my certain knowledge I could not say, never having seen the note; but I think probably there were three. I understood that there were three members of the common council on the note.

Q. Was not the reason why the common council did not attempt to give that $1,250 at that time this, that they knew Mr. Glass, who was then mayor, would refuse to sign the resolution, and for that reason they did not pass the resolution appropriating this money?—A. That might have been one of the reasons at that time.

Q. Is it not a fact that they never attempted to vote the money, but kept renewing the note until a new mayor was elected?—A. Yes, sir.

Q. And is it not a fact that the mayor was elected by the people with the understanding that he never would sign a resolution appropriating this money?—A. Yes, sir; he had publicly proclaimed that.

Q. And Mr. Shuler, who was his opponent, was defeated; and the people voted against him who thought that this appropriation should not be made?—A. Yes, sir; that was the understanding; that the candidates held those relative positions—Mr.

ou have the records of the city council, have you?—A. Yes, sir; I have them

lease turn to any part or parts of the records bearing on this case and read the
o the committee.—A. Well, I have got to go back some distance, which would
en the first committee was appointed.
hat is where we want you to go.—A. (After consulting the book of record.)
st record is that of February 6, 1884, in reference to resolutions in regard to
od.
s clerk did you keep the full minutes of proceedings?—A. Yes, sir.
re they read over at the meeting of the council after they are put upon the
?—A. The minutes of the previous meeting are read to the meeting following.
st thing in order is the reading of the minutes of the previous meeting.
hen after being read they are approved, are they?—A. Yes, sir.
y whom are they signed, by the clerk and the mayor?—A. Yes, sir.
nd you say the first record there in reference to this subject is under what
-A. February 6, 1884. Do you want the resolution read?
es.—A. "Whereas the city of Jeffersonville, Ind., was, in February, 1883,
by a disastrous flood, caused by the overflow of the Ohio River at that point,
caused said city, its 12,000 inhabitants, and the various committees furnishing
reto, in the aggregate $250,000 in the relief of distress and repair of damage
ned thereby; and
ereas said city has suffered at least two such disasters in the past, and is at
ne threatened with a similar occurrence attending with like results; and
ereas for a much less sum than that above named sufficient levees can be
along the river front and wharves of said city to protect it from such over-
future; and
ereas the said city is indebted beyond the limit prescribed by article 13 of
stitution of the State of Indiana, and on that account is prohibited from ap-
ting the necessary sum to make said improvement, now, therefore,
lved by the mayor and common council of the city of Jeffersonville, Ind., That our
rs and Representatives in Congress be, and they are hereby, respectfully solicited
before their respective bodies a bill providing for the appropriation of such an
t as may be necessary for the protection of levees and protection of navigation
near said city.
e above resolution being put upon its passage, the common council voted
n as follows:
s.—Messrs. Schwaninger, Young, Shuler, Fouts, Graham, Reed, Brown, Frank,
tton—9.
s.—None."
f them voted for it.
STONE. Do you say every member of the council voted for it?
WITNESS. Yes, sir; every member. Now, the next resolution is under date of
ary 12.
CHAIRMAN. Of that year?

a levee, and believing it to be for the best interest of the city of Jeffersonville that the effort already made and work already done shall be followed up at once by the appointment of a committee specially interested in the work, therefore,

"*Resolved*, That a committee of three citizens of Jeffersonville be requested and instructed to proceed at once to Washington City to use all honorable means in their power to secure an appropriation for building a levee at as early a date as possible, and that Jonas G. Howard, William H. Fogg, and O. A. Clark be the said committee.

"The common council voted upon the above resolution as follows:

"*Ayes.*—A. Schwaninger, F. A. Young, A. O. Shuler, W. D. Fouts, T. A. Graham, J. V. Reed, Harry Browne, A. J. Frank, and William E. Sutton."

There were nine members present and nine voted aye. The next resolution appearing upon the minutes is under date of June 3, 1884, as follows:

"*Resolved by the common council of the city of Jeffersonville*, That the thanks of this council be, and the same are hereby; tendered to the Hon. L. F. Warder and O. O. Stealey, esq., for the uniform kindness and assistance given to our representatives sent to Washington for the purpose of securing an appropriation for the construction of a levee at this point for the protection of the approaches to the United States Government buildings, and the city from floods; and the said L. F. Warder and O. O. Stealey have, anddeserve, the thanks of this community for their labors in this matter; and,

"*Resolved further*, That a committee of three members of the council be appointed to look after and take such measures as to them seem right and proper to secure said appropriation."

The common council voted on these resolutions as follows: There were ten members present and ten voted aye.

Mr. ELLIS. What is the date of this resolution?

The WITNESS. June 3, 1884. The next is the report of the levee committee on June 15.

Mr. STONE. One moment, Mr. Burlingame. The resolution adopted June 3 provided for the appointment of a committee. Have you any record there of the appointment of that committee in pursuance of the resolution referred to?

The WITNESS. Yes, sir; I think there is. Here it is, and I will read it:

"The Chair appointed as the committee of the common council, Messrs. W. D. Fouts, W. A. Graham, and A. O. Shuler."

On motion of Mr. W. D. Fouts, Mr. F. A. Young was added to the committee, making the committee consist of four members.

The CHAIRMAN. What date is that?

The WITNESS. That is the same date, June 3, 1884. Now, on July 15, that committee made the following report:

"JEFFERSONVILLE, IND., *July* 15, 1884.

"*To the honorable Mayor and Common Council:*

"GENTLEMEN: Your committee to whom was referred the matter of securing an appropriation from Congress to build a levee at Jeffersonville, beg leave to report that they have, through the efforts of friends at Washington, been successful in getting the appropriation of $50,000, which we believe will restore confidence and prosperity to our city. We have thus far incurred no expense to the city, except the payment of the expenses of a committee authorized to visit the Capital. Your committee deem it due to Mr. L. F. Warder and Mr. O. O. Stealey to state that these gentlemen gave their services without compensation, or without cost to the city of Jeffersonville."

This report is signed by W. D. Fouts, T. A. Graham, A. C. Shuler, F. A. Young, committee on levee. On motion the report was unanimously concurred in.

Q. Is that the last resolution touching the matter?—A. That is all up to the securing of the appropriation. All the other matter has reference to the right of way and ordinances on the securing of the right of way, &c.

Q. Now, as to the final resolution authorizing the payment of these expenses?—A. They were not paid by resolution. It just came in as a bill approved by the levee committee.

Q. Read that if you please.—A. "The following allowances were ordered on account of levee, $1,635.45." That is at the time that this $1,329 was allowed, June 9, 1885, and at the same time $300. I have the bill here.

Q. Read the bill, if you please, if it is part of the proceedings of the city council.—A. Yes, sir; the yeas and nays were called for on this bill, which is as follows:

"City of Jeffersonville debtor to expenses incurred in securing appropriation for levee, as authorized by council..... $1,329 95

"Approved by—

"T. A. GRAHAM,
"W. D. FOUTS,
"S. S. JOHNSON,
"*Committee on Levee.*"

Q. *Is there any other record referring to this matter?*—A. That is all.

e you present at any meeting when a letter from Mr. Warder was read—a
ch had been read to Mr. Shuler concerning this appropriation?—A. I was
ıd read the letter to the members of the council.
ou know what became of that letter?—A. I returned it to Mr. Shuler, it
property.
ı it was not filed with you?—A. If that had been a regular meeting of the
ıd the minutes had been kept, of course I would have retained it and filed it,
an informal or advisory meeting there was no record kept of it.
the letter to which you have just referred in Mr. Warder's handwriting?—
: it was, sir.
it marked confidential?—A. Not of my knowledge.
you give this committee the substance of that communication?—A. I think
ear as I remember it. The substance of the letter was that he had secured
es of a competent party in Washington, upon the payment of $250, and the
ıt payment of $1,000 when the appropriation was secured, to keep this mat-
the committee and to look after the interests of Jeffersonville. That is as
can remember the wording of the letter.
it say competent party or influential friend?—A. I am positive that it did
fluential friend; it said competent party. It is a good while ago—two years,
ut I am positive that is what it said, competent party.
you at any time see any other communication from Mr. Warder or Mr.
ı reference to this appropriation?—A. I do not think I did, sir. I think that
y one I saw, and probably would not have seen that only a meeting of the
as called, and I being a clerk of the council was also called to the meeting.
e you been in the company of Mr. Warder or Mr. Stealey since you have come
ngton?—A. Yes, sir; I have met both of them. I went to the theater with
ey last night.
l your relations with those gentlemen are pleasant?—A. Yes, sir; always
n.
l you say that $1,250 was to be sent here, according to the letter referred
Yes, sir.
o hundred and fifty dollars first and afterwards $1,000?—A. Yes, sir.
whom were these $250 sent?—A. Sent to Mr. Warder, I believe; I do not
hat is something I do not know anything about; as Mr. Shuler sent it him-
r the council meeting, and I had nothing further to do with it.
u do not know, then, to whom the money was directed to be sent?—A. I do not.
ıve you had any conversation with either of these gentlemen concerning the
ion made of it since the money was sent here?—A. No, sir, I do not think I have.
ly I have, too. I do not know but what it has been mentioned by them that
ıd attorneys. It may have been referred to by Mr. Warder, but I do not know
Stealey ever mentioned it to me.
hen did Mr. Warder make that statement to you?—A. Well, probably since I
en in Washington.
id you ever hear Mr. Warder say anything about the money before you came

Q. Have you been with him considerable since you have come here?—A. I met him once or twice.

Q. You have known him a good many years, have you not?—A. Yes, sir; years, and he is a warm friend.

Q. Is it not a fact that you and he talked over this matter?—A. Not in a p manner.

Q. I do not care whether privately or publicly. I simply want to get at fa A. (Continuing.) You don't suppose that I would come to Washington and me old friend and not talk to him about this matter?

Q. I would not expect that. Now, I want to ascertain from you what inform you got from Mr. Warder concerning the disposition of this money?—A. No inf tion at all, only that he had paid an attorney for his services. That is what I u stood him to say.

Q. Did you ask him what he did with it?—A. No, sir; I do not think I did.

Q. How did he happen to make that statement to you?—A. I couldn't tell but it was in a casual conversation.

Q. Did he say whom he employed?—A. No, sir.

Q. Did you ask him?—A. I did not; I did not. I don't suppose I would have k if he told me. I am not acquainted with the Washington lawyers, and had no est in the matter.

Q. Did he say for what he employed the lawyer, or what the lawyer did?—A sir; and I did not ask him anything about it.

Q. He simply stated that he had employed a lawyer and paid this money to h a fee, did he?—A. Yes, sir.

Q. And that is all of it?—A. That is all of it.

Q. I understood you to say you had no conversation with Mr. Stealey in rega it?—A. I don't think the matter was mentioned by Mr. Stealey.

At this point the committee took a recess to meet in another room. The comm reconvened, and resumed the examination of Mr. Burlingame, as follows:

By Mr. STONE:

Q. I was trying to find out when we adjourned, Mr. Burlingame, what know you had, if any, as to the disposition of this money?—A. I have no personal k edge, sir, what disposition was made of it.

Q. And none by way of information from either of these two gentlemen, exc you have already stated?—A. Yes, sir.

Q. Now, when this money was raised in Jeffersonville, do you know for what pose it was secured and sent here?—A. For the purposes indicated in the let suppose, to pay for the services of a responsible or competent party to keep the ter before the committee and for looking after the general interests of the bill.

Q. The first step taken, according to the records you have produced, was th pointment of a committee to come here and lay the matter before Congress' Yes, sir.

Q. And two committees were appointed and sent here for that purpose?—A. sir.

Q. Did those committees make any report at all?—A. One of them did, I bel and I overlooked it in reading from the records.

The CHAIRMAN. Turn to it now.

The WITNESS. I will read:

"The Hon. Jonas G. Howard, a member of the committee sent by the co council of the city of Jeffersonville to Washington City, to petition Congress to l a levee to prevent disastrous floods in the future, in a few well-chosen remark ported the prospect as very good for the work to begin in the near future, pro our citizens could agree as to location of said levee. Mr. Fogg, of the same comm in a short speech, also reported the prospect as being very favorable."

They made no written report.

By Mr. STONE:

Q. And that was all the report ever made by either of these committees?—A. sir; by either of these committees.

Q. Which one of these committees incurred this expense of $300, which was out of your city treasury?—A. The last one.

Q. The one which made this report?—A. No, sir; I think it was the one after

Q. Well, they made some report when their expense bill was presented, did not?—A. They just put in a bill for their expenses.

Q. Just simply filed a bill for their expenses?—A. Yes, sir.

Q. When did you first understand that Mr. Warder and Mr. Stealey were engag looking after this matter?—A. From the very inception of the work has been m derstanding. On the arrival of the first committee in Washington they wa structed by the citizens generally to confer with Mr. Warder and Mr. Stealey in ence to this matter.

hen the first committee was instructed to confer with those gentlemen?—A. r. I don't know that they had any official instruction, but that was the general sion.

That they would do so?—A. Yes, sir.

Well, this letter from Mr. Warder read by you was not presented to a regular ng of your council?—A. To an informal meeting.

Held between the 3d and the 17th of June?—A. Yes, sir.

He spoke of having employed some competent party, you express it, for an agreed deration, to look after this appropriation?—A. Yes, sir.

Did you ever understand what authority he had for making any such employ- t in the name of Jeffersonville?—A. I don't know of any authority except such as gated to him by the levee committee.

. Well, do you understand that the levee committee had delegated such authority him?—A. I do; yes, sir.

Q. When?—A. Well, in their letters to him. I don't know when, but that is the derstanding that they gave; and when he sent this letter to them and called the uncil together to consult upon this matter, they agreed, with one exception, that hen the bill came up in the council for payment they would all vote for it—with e exception.

Q. At any meeting of the council when Mr. Shuler and Mr. Schwaninger were present did they protest against this expenditure?—A. No, sir, I think not.

Q. Was there anything said about that money being improperly used here?—A. Not to my knowledge; not in open council, at any rate. I don't know what the rumors might have been on the street. I did not pay any attention to those.

Q. Was it or not a matter of common rumor in Jeffersonville that that money had been sent here to be used in some improper way?—A. Not to my knowledge, sir. My observation of it goes to the contrary; that the most prominent tax-payers and citizens were urging upon the council to send the money here and have the matter settled at once.

Q. Your observation was, then, that public sentiment favored that expenditure?—A. Yes, sir; that is, the better class of citizens—those who paid the taxes.

Q. Well, the non-tax-paying class were not opposed to it, were they?—A. Well, some of them were. Some of that class of fellows who own property and never pay any tax on it. They are the biggest kickers.

By Mr. FARQUHAR:

Q. So far as you know, Mr. Burlingame, who paid and from what fund were the expenses paid of the first committee that came to Washington?—A. The first committee that came to Washington were paid by the flood relief committee of the city of Jeffersonville.

Q. Did that fund belong to or was that fund in the custody of the city?—A. No, sir.

Q. It was a citizens' committee?—A. Yes, sir; a citizens' committee.

Q. By whom and from what fund was the second committee paid?—A. Paid from the city fund.

Q. Under proper order?—A. Yes, sir.

Q. Signed by the mayor?—A. Yes, sir.

Q. Agreed upon officially?—A. Yes, sir.

Q. Did you, either as an officer or as a citizen of Jeffersonville, take into account the fact that money being used to influence either the Senate or House in the passage of this appropriation was illegal, improper, and bribery?—A. No, sir; that was none of my business.

Q. I merely ask you as a citizen or officer.—A. My functions were only clerical.

Q. Well, as a citizen?—A. As a citizen, and being in the flood, I wanted a levee. I didn't pay any attention to how they got it as long as they got it.

Q. You knew of no underhand means being used, did you?—A. No, sir.

Q. This evidently, as far as you know, was an honest dealing to secure an appropriation?—A. Yes, sir.

Q. And you did not make any nice distinction when you saw that this amount of money could be obtained?—A. No, sir.

By Mr. LEHLBACH:

Q. You were clerk of the common council and were present at their informal meetings, as they are called, were you not?—A. Yes, sir.

Q. And read the communication from Mr. Warder?—A. I did.

Q. That communication said that he had employed whom—the name of the person?—A. A competent party.

Q. Did it not state the name?—A. No, sir; I think not.

Q. Are you positive of that?—A. I am positive of that; I am positive no name was used.

Q. A competent party. Did it say that this competent party was an attorney?—A. Well, I couldn't remember whether it did or not; I think not, however.

Q. Have you since learned the name of this party?—A. I have not, sir.

Q. You say that Mr. Glass never objected to the payment of this $1,250; to the use of this money. Did it ever come up before him while he was mayor that this money had been spent?—A. Not officially, I think.

Q. Did not the report made by these members of this committee state that the matter was carried through Congress without any expense to the city of Jeffersonville?—A. Yes, at that time.

Q. Then how could the mayor object to the payment of any money or not object to it?—A. That is something for you to determine; I don't know anything about it.

Q. The bill which was sent to the common council, I believe, after the new mayor was elected, for thirteen hundred and some odd dollars, said that it was for work authorized by the common council. Is not that the wording of the bill? Let me see the bill.

(The witness handed the bill to Mr. Lehlbach, who read the following extract:)

"In securing appropriation for levee, as authorized by council."

The WITNESS. Yes, sir.

Q. Is there anything in the minutes of the common council which authorized this committee to expend that money?—A. I don't know that there is. I couldn't say as to that.

Q. Only at this informal meeting?—A. That is all.

Q. Well, there is no record of that?—A. No, sir.

Q. So here is a bill that was paid for services rendered authorized by the council, when there is no record of any such authority given by the common council?—A. At that informal meeting these councilmen pledged themselves that when this bill came up they would vote for its payment, and they did so.

Q. Have you ever heard of any attempt, or any conference of parties, to pay this amount of money, and not require the city to pay it, during your term of office?—A. Well, the matter was canvassed; yes, sir; but I don't know that they ever reached any positive conclusion as to paying it in any other way than by the council. They never did pay it, and the council paid it eventually.

Q. Was Mr. Glass not as much in favor of obtaining this appropriation as any other citizen of Jeffersonville?—A. I couldn't say as to that whether he was or not.

Q. Did he not do all in his power, as mayor of the city, to obtain this appropriation?—A. I presume he did.

Q. Did you read all the resolutions and all the facts in relation to this appropriation contained in the minutes?—A. Well, I may have overlooked the resolution of thanks to Senators Voorhees and Harrison; this resolution was passed July 29, 1884.

Q. Will you read that resolution?—A. Yes, sir.

"*Resolved*. That the thanks of the council be tendered to Senators Voorhees and Harrison, Representative Stockslager, General Rufus Saxton, Assistant Quartermaster-General, Mayor John M. Glass, and a committee consisting of Messrs. Howard, Fogg, and Clark, appointed by this council to visit the city of Washington, for the zeal and perseverance shown in their procuring an appropriation of $50,000 for the construction of a levee at this point."

Eight members were present and eight voted aye on the adoption of that resolution.

Q. Does it appear on the minutes of the common council that the vote of thanks was tendered to the two Senators and to the Representatives, and to the mayor of the city?—A. Yes, sir.

Q. And to the committees?—A. Yes, sir.

Q. So really, as far as the minutes of the common council would show, Mr. Glass, the mayor of Jeffersonville, did as much in the interest of the city as a mayor should do, but merely objected to the expenditure of this money?—A. I believe that is correct, sir.

Q. And on account of his objection the proceedings were made informal in order not to appear upon the minutes; is not that a fact?—A. Well, I don't know that it is. No, sir, I don't believe that that is a fact, because they could have contested the appropriation, and that night Mr. Glass was out of the city and was not in the council. In fact some of the members wanted to pass it on that night and make it a matter of record.

By Mr. CLEMENTS:

Q. Did you know, Mr. Burlingame, when this dispatch was received from Mr. Warden by Mr. Shuler, early in July, asking him to forward a $1,000?—A. No, sir; I never saw that dispatch.

Q. Were you present about that time, early in July, when Mr. Shuler called on Mr. [illegible], the mayor, at that time to call a meeting of the council?—A. I don't think I [illegible] I don't have any recollection of it.

By Mr. ELLIS (counsel):

[illegible] in response to a question of the honorable gentleman from New Jersey (Mr. [illegible]ch), you said that a portion of the city council at that informal meeting wished [illegible]ceed and pass the appropriation and make it a matter of record?—A. Yes, sir.

'hy was it not done?—A. Well, the majority seemed to think it was best to
; an informal meeting, and not have it cost the city anything; that it might
ı excitement with this property-holding non-tax-paying element and create a
ance on the street, and that they did not want to have. They let the matter
r, I think, on that account.
as there any secret made of raising that fund?—A. I think not. Some of the
ominent citizens of Jeffersonville were present.
was done openly?—A. Yes, sir.
he purpose for which it was done was not kept a secret from anybody, was
No, sir.
'as there ever a suggestion from anyone in the council that this money would
ly be used for illegitimate or illegal purposes?—A. No, sir.
ow long have you been clerk of the common council, Mr. Burlingame?—A. I
ected in May, 1883, I believe; re-elected in 1885.
o you remember any other informal meeting of the council which was not re-
for economy's sake?—A. Yes, sir; they frequently occur.
very time you have a recorded meeting the fees come in against the city, do
ıt?—A. Unless they make a motion to dispense with the fees or serve without

By Mr. THOMPSON (counsel):
Ir. Burlingame, I notice that the resolution adopted, I believe, in July—the
ion of thanks to Mr. Warder and Mr. Stealey—recites the fact that they had
his work without any compensation whatever?—A. Yes, sir.
'as that a well-known fact at the council meeting when they voted for it?—A:
well understood, I think, or I don't think the gentlemen would have voted for
wise.
nd that was voted for by the whole council?—A. Yes, sir.
hat resolution declared that these gentlemen had received no compensation
er, and it was signed by Mr. Glass?—A. Yes, sir.
nd it was understood then by the council that this matter had gone along in
mate course?—A. I suppose so, or I do not suppose they would have voted

y Mr. LEHLBACH:
his resolution of July 17 says, if I recollect the substance of it, that this appro-
ı was obtained without any expense to the city of Jeffersonville?—A. Up to
se; yes, sir.
ell, when that resolution became known to the people of Jeffersonville these
-paying people, as you call them, did they understand that resolution as mean-
t these services had been obtained at no expense to the city? Was that their
A. Well, sir, I don't know what their ideas were upon that point. I know
ine were.
was only the committee and those members of the common council who were
who knew that they had actually expended $1,250 in money, which they ex-
the city to refund to them?—A. Yes, sir.
nd they drew up a resolution and put it on their minutes for the purpose of
ng the public, did they not?—A. Well, I don't know whether that was the
not.
'ell, what is your impression? Was not that resolution put in there for the
e of deceiving the public, by saying to them that all this work had been done
t an expense of a single dollar to the city of Jeffersonville; isn't that the pur-
the resolution?—A. It is not a resolution; it is simply a committee report that
ı talking about now.
mean the report, and that report was accepted?—A. Yes, sir; and unanimously
ted in.
nd yet while they voted for it every member of that common council knew,
u knew, that the city had expended through its committee $1,250?—A. I knew
ey would be called upon to pay the bill at some time, at least I thought they
which they eventually did pay.
Vell, did the people, after reading the proceedings of the common council pub-
in the papers, think so?—A. I think some.
Iave you a daily paper?—A. Yes, sir; two of them.
Did the people of Jeffersonville, from reading the report of the proceedings of
mmon council get the impression that the appropriation was made without the
a single dollar to the city of Jeffersonville?—A. Well, some of them probably
d some did not.
Those that knew?—A. Well, those that knew did not believe it.
Those were very few. But the public at large believed that no money had been
led?—A. I presume they did, and in fact no money had been expended by the
ı to that time, but they would have to pay it eventually.

Q. Any indorsements?—A. There are no indorsements. It was paid, and is marked redeemed.

Q. That is the only financial communication you have in connection with this matter?—A. Yes, sir; I saw the letter that has been referred to here.

Q. That is the letter of Mr. Warder. Please state the substance of that as far as you recollect.—A. Well, in reference to that part about the money, Warder said in his letter that he could secure or had secured the services of a competent party to look after the interests of the city. I read the letter the day Mr. Shuler received it and heard it read at the informal meeting at my office.

Q. Did you hear the mayor make any statement of his objections to this payment?—A. He was out of the city at the time; but I do not know that I did. I do not remember having any conversation with the mayor about it.

By Mr. CLEMENTS:

Q. Was that letter marked "confidential," or was there anything of that character in it?—A. I discovered nothing of that kind.

Q. Were you present at any time when Mr. Shuler asked Mayor Glass to call the council together?—A. I was in the building, but did not hear the conversation. Mr. Shuler was in my office before he went into the mayor's office.

Q. Did you hear Glass give any reasons why he did not call the council at any time after that?—A. I do not think I did, sir; he might.

By Mr. STORM:

Q. Do you know how that amount was made up?—A. Part of it was discount.

Q. What was the real debt?—A. One thousand two hundred and fifty dollars, and the interest added.

By Mr. BLANCHARD:

Q. Mr. Prather, did you ever hear the name of that attorney or influential man who was employed to aid here in obtaining the appropriation?—A. No, sir.

Q. Did you ever make any inquiries concerning that?—A. I never inquired for the name. Soon after Mr. Warder returned from Washington, after the session of Congress in 1884, in a conversation between him and Dr. Graham he said that he paid the money to the attorney. I am not positive that it was to me he said this, but rather think it was to Dr. Graham, who was a member of the council.

Mr. STORM. In your hearing?

The WITNESS. Yes, sir.

By Mr. BLANCHARD:

Q. Well, in that connection, did Mr. Warder state at any time that it was necessary to employ the services of an attorney?—A I do not remember about that, sir.

Q. Did you ever believe it was necessary to employ an attorney in this matter?—A. Well, I do not know, sir, whether it was or not; but I presume we needed some one to look after our interests.

Q. Did you not have Members and Senators to look after your interests?—A. Yes. sir; but I presumed that they had other interests as well as this matter to look after. I am not familiar with the custom in these matters.

Q. Your present mayor; when was he elected?—A. He was elected in May, 1885, I believe.

Q. Was this question about the payment of this money or the reimbursement of this money an issue in his election?—A. I believe it did cut some figure in it.

Q. Did it not cut a prominent figure in it?—A. It was discussed considerably upon the streets.

Q. Was he a debt-payer so far as this amount was concerned?—A. Well, he never mentioned the matter to me, one way or the other; but I heard he would not sign the order.

Q. Was it not understood that he was an anti-debt-payer?—A. It was commonly remarked that he was.

Q. Mr. Shuler was the opposing candidate?—A. Yes, sir.

Q. Which was elected?—A. Preefer.

Q. Was Mr. Shuler a debt-payer or an anti-debt-payer?—A. Well, I presume he would have signed the order.

Q. Was it not known that he was a debt-payer so far as this particular sum was concerned?—A. I was of different politics to him, and there was no conversation between him and I.

Q. I am asking what was understood in the city election?—A. It might have been known that he would sign the order, but I think he had stated otherwise.

Q. Did he not start out as a debt-paying candidate?—A. That was my understanding about it.

Q. Was it not the general understanding?—A. I believe that it was.

Q. Then the anti-debt-payer beat the debt-payer in the contest?—A. Yes, sir.

[illegible] an injunction suit to prevent him [illegible] there are always rumors a [illegible]

[illegible]

[illegible] Warder and Stealey?—A. I have known [illegible] Mr. Stealey from boyhood.

[illegible] Yes, sir.

[illegible] morning at 9 o'clock.

[illegible] the Sumner House.

[illegible] Yes, sir.

[illegible] Yes, sir.

[illegible] Mr. Warder and Mr. Stealey since you [illegible] three times at least.

[illegible] I went to the minstrels with [illegible]

[illegible] with Mr. Warder?—A. I left my [illegible]

[illegible] Not particularly.

[illegible] Mr. Warder or Mr. Stealey since you have been here [illegible] make any inquiries.

[illegible] particularly about it, and I did [illegible]

[illegible] in the way you supposed it was [illegible] I had enough confidence in [illegible]

[illegible] here?—A. Yes, sir.

[illegible] would justify you in asking them [illegible] I did not think that they would, sir.

[illegible] I heard Mr. Warder state th[illegible] to Mr. Burlingame.

[illegible] No amount was mentioned, as I re[illegible]

[illegible] Mr. Burlingame [illegible] what the attorney did?—A. Well, I di[illegible]

[illegible] Mr. Burlingame [illegible] I do not think he did; not in my presence.

[illegible] information whatever as to the disposition made of the m[illegible] gentlemen or either of them except as you have just said?—A. No [illegible]

[illegible] nothing to do with raising the money?—A. I was on the note.

[illegible] money was raised soon after that letter of Mr. Warder was received b[illegible] Which the $250 or the $1,000?

[illegible] I loaned gentlemen $250 [illegible]

that money in case the bill did pass?—A. I expected Mr. Shuler and Mr. Graham to pay it back to me.

Q. Well, not a great while afterwards you executed this note for $1,000?—A. Not for $1,000, but for $1,250; and the $250 was paid back to me then.

Q. That letter, you have stated, was signed by Mr. Warder?—A. The first letter.

Q. The only letter you have spoken of as being signed by Warder and addressed to Shuler?—A. I think so; I think it was addressed to Shuler; but I was under the impression that a letter previous to this time had been written to Mr. Young by Mr. Warder.

Q. Well, did you read this letter?—A. Yes, sir.

Q. About how long was it?—A. Well, I do not think it covered more than a page, if I remember right. I saw most all the correspondence, and one letter I saw, that I did not think bore upon this question at all, was three or four pages. This letter, I think, was only one page.

Q. This letter covered about a page, according to your recollection?—A. Yes, sir; I think so.

Q. Can you undertake to repeat to this committee something like the substance of that letter?—A. I do not believe I could, sir, except that part that impressed me at the time, and that was in reference to securing the services of parties here to interest themselves in our behalf. That was about the substance of it—the part that impressed me.

Q. You do not remember any expression beyond what you have indicated?—A. Well, no; nothing that bore upon this question that impressed me at the time.

Q. You do not know anything at all?—A. I do not remember.

Q. Was there anything else spoken of in the letter except this matter of the appropriation?—A. I think it only had reference to that.

Q. You spoke of having seen, you think, pretty much all the correspondence; to what do you allude?—A. Well, I think there were several letters passed between Mr. Shuler, secretary of the levee committee, and Mr. Warder.

Q. Several letters?—A. I think so. I passed Mr. Shuler's place of business often, and if he had a letter or anything of that kind from Warder, he usually called me in and showed them to me.

Q. Did any of them have anything to say about money being furnished or sent them here to employ any assistance?—A. I do not remember.

Q. You remember, indeed, nothing that was in any of the other letters at all?—A. Well, I do not just at the present time. Perhaps you can refresh my memory as to something that was in some of the other letters; but I did not charge my mind, thinking that they were not of any importance.

Q. What reason had you—I will come back to that again—for not making inquiries, since you have been here, as to the disposition made of this money?—A. I do not know that I had any particular reason for not making inquiry about it.

Q. Was it because you did not want to know it?—A. No; if Mr. Warder had told me I would have listened to him.

By Mr. LEHLBACH:

Q. This $250, was it sent next morning after this informal meeting?—A. Well, I think Mr. Shuler sent the money before that; the day the letter was received, and the informal meeting was called the following night, is my recollection.

Q. Then he sent the $250, and you advanced it to him, before he was authorized even by that informal meeting, did you?—A. I think that he sent the money the day before; but I think the informal meeting was held that night or the following night. That is my recollection.

Q. Did you take that money out of the funds of the city or your private funds?—A. Out of my private funds.

Q. The mayor was not in town when that informal meeting was held?—A. I think he was out of the city.

Q. How soon after that informal meeting was the $1,000 paid, within a week?—A. I think it was longer than that.

Q. Well, is not this the fact, that while the common council was in favor of and had agreed to spend this $1,250 in the way proposed by Mr. Warder, the mayor took the stand that it was not necessary, and that he would refuse to sign the warrant; and for that reason the money was raised temporarily, on notes signed by yourself and several aldermen, who expected to carry this thing along until a new mayor could be elected and the money obtained from the city?—A. Mr. Shuler had told me that Mr. Glass would not sign the order; but I do not know that that was the reason why the money was raised in that manner.

Q. Well, if he had not been so opposed to it would not the regular course of proceedings have been this: that the common council would have been called and an appropriation of the $1,000 made and then paid out by yourself to the mayor, who would have forwarded it to Washington?—A. It might not have been; but there may have been another reason also. We were short of funds at that time.

[illegible] in this way; do you say now [illegible] to not say that has been the rea-

[illegible] a council during the whole term [illegible] any warrant for it?—A. I do [illegible] am not a member of the council.

[illegible] when it was talked about [illegible] and refunded this money, and [illegible] investigation, by parties who signed [illegible] No, sir; I never heard of it.

[illegible]

[illegible] to this matter?—A. I saw several.

[illegible] that Mr. Stockslager was not tak- [illegible] member of Congress was not taking [illegible]

[illegible] which Mr. Preefer was elected?—

[illegible] of your political party, the [illegible]

[illegible] to the paying of this debt?—A. I was in [illegible]

[illegible] you make any secret of it?—A. I [illegible] very rarely.

[illegible] your attitude?—A. Well, I presume [illegible] was my answer.

[illegible] Yes, sir.

[illegible]—A. Yes, sir; to some extent it [illegible]

[illegible] unanimously?—A. Yes; by a small majority.

[illegible] one hundred votes.

[illegible] I believe it was one hundred and thirty.

[illegible] Yes, sir.

[illegible] party?—A. Mr. Shuler.

[illegible] from him?—A. Well, I do [illegible]

[illegible] Mr. Schwaninger towards the nominee?— [illegible] to Mr. Shuler or not.

[illegible]—A. Six hundred and eighteen.

[illegible] and fifty greater than the anti-debt- [illegible] I am not positive as to Mr. Preefer's [illegible]

[illegible] in Jeffersonville a long time; you are [illegible] and the tax-payers generally. Now state [illegible] the interest of the great bulk of the property [illegible] of paying this debt.—A. I be- [illegible]

[illegible] make a star chamber business of the rais- [illegible] any secret about it.

[illegible] I do not know about everybody knowing it.

[illegible] were there any other persons present?—A. Judge [illegible] a prominent citizen.

[illegible] Mr. Jewett, I believe, was present. I would state that Judge Jew- [illegible]

[illegible] Mr. Jewett?—A. A large tax-payer and prominent citizen. Mr. Jonas [illegible] present member of Congress, was also present.

[illegible] Mr. Howard for a candidate for Congress, either for the nomination or be- [illegible] time?—A. I believe he was.

[illegible] was the attitude about paying this debt?—A. He was in favor of paying it, I presume.

[illegible] were there ever any suggestions made by anybody in the council, to your knowledge, or by any representative men outside of the council, that this money was raised for any illegal or improper purpose?—A. No, sir; I never heard of it.

[illegible] is it not a generally understood fact that people interested in public measures send their agents and their attorneys here?—A. That has been my understanding.

[illegible] you not know that it is a fact that before the Ways and Means Committee the representatives of every great interest in this country, or their paid attorneys, appear?—A. I only know it from the papers.

Q. Do you not know that for the improvement of the Mississippi River they have sent special agents and held great conventions here for that purpose?—A. I have seen accounts of it.

Q. And that every great interest of that kind is represented by special agents, sent here by their constituents, for that purpose. Do you not know that to be so?—A. That has been my understanding.

Q. In regard to that election, do you know the attitude or the opinion of the other gentlemen who were candidates on the Democratic ticket with Mr. Preefer and yourself in regard to paying this money?—A. Well, Mr. Ed. Howard, who was candidate for councilman in the Fifth ward, was openly in favor of paying it.

Q. What was his majority?—A. His majority, I think, was about one hundred in the election of 1885.

Q. Prior to that, what was it?—A. I believe that he was elected by a majority of five.

Q. Now, is it not a matter of fact that every man that ran on the ticket with you was in favor of it?—A. Well, the councilmen, of course, ran in their own wards. The marshal, the treasurer, clerk, and mayor were elected by a majority of the voters. I believe the marshal got a greater majority than the mayor.

Q. Mr. Burlingame ran on the general ticket; do you know what his majority was?—A. Three hundred and something.

Q. What was his attitude about this?—A. He was in favor of paying it.

Q. Had you any opinion, or dreamed, or believed, or suspicioned that one cent of this money was for the purpose of corrupting anybody, would you have favored forwarding it?—A. No, sir.

Q. Was there, in the members of that council, do you believe, a man of them that would have sanctioned for a moment the corrupt use of money?—A. No, sir, I do not.

Q. You have a better opinion of your people at Jeffersonville than some of the witnesses who have appeared here and been sworn.

The CHAIRMAN. That is a matter of argument, Mr. Ellis.

By Mr. STONE:

Q. When did you first learn that this investigation was projected?—A. I do not believe I can say the correct time.

Q. About when did you learn of it?—A. Only about a month or so ago.

Q. Did you hear that it was talked of before it was published that a resolution had been introduced for this inquiry?—A. I do not think I did before this resolution was published.

Q. Before the resolution that Mr. Browne, of Indiana, introduced for this inquiry, had you heard that Mr. Glass or any other person was trying to secure this investigation?—A. I do not think I had heard until I saw that resolution in a paper or heard from some one that had seen it.

Q. Was there any public demand at all among your people for an investigation of this kind?—A. I think not. If there had been I would have known it.

Q. Was it discussed in your local press?—A. It had not been until since this investigation has been going on.

Q. I mean prior to the introduction of this resolution?—A. I do not think it was, sir.

Q. Was the question of this money being sent here a subject of discussion among your people?—A. I had not heard it mentioned for a long time.

Q. Do you know what influences brought about this investigation?—A. No, sir; I did not.

Q. Had you ever heard Mr. Glass say anything about it?—A. No, sir.

Q. Was it a matter of common surprise there when it was known that this investigation had been ordered or asked for in Congress?—A. Well, it was a surprise to me.

Q. Well, did it attract considerable attention there among your people and excite some discussion?—A. Well, there was some talk about it, but I do not know that there was any great excitement about it.

Q. What was the general opinion among your people, if you know it, as to why this investigation was asked and who asked it or brought it about?—A. There was no public demand that I know of for it.

By Mr. LEHLBACH:

Q. I want to ask him this question: Whether there ever was any expression on the part of any citizens of Jeffersonville or the mayor or any of the people who objected to the payment of this money, that while they did not charge it as being corruptly used, they did think that Mr. Warder and Mr. Stealey retained this money for their own services?

Mr. STORM. That clearly would not be a fair question. If public opinion were all against them it would not be right to try these men by public opinion in this way.

Mr. LEHLBACH. But Mr. Glass, as mayor of Jeffersonville, and a leading ci there, expresses the opinion that Mr. Warder and Mr. Stealey did use all of this mo or part of this money, to compensate them for their trouble and time spent in pa this bill.

The WITNESS. I never heard Mr. Glass say anything of that sort.

Q. Did anybody?—A. No, sir; I do not remember hearing anything of that so

Q. That they had paid themselves for their services?—A. I never heard anyt of that sort.

Q. What was Mr. Glass's objections to the sending on of this money?—A. I d know, sir.

Q. Did he express himself that Mr. Warder or Mr. Stealey wanted this $1,25 the purpose of bribing members of Congress?—A. He never said anything t about it.

Q. Well, he certainly must have had some objection to it.—A. It was only u stood that he objected to signing the order.

Q. On what grounds did he object?—A. Well, I cannot say.

Mr. GLASS recalled.

By Mr. LEHLBACH:

Question. Mr. Glass, you objected to the payment of this money by the cit during your term of office, I believe?—Answer. Yes, sir.

Q. After the common council had passed a resolution to pay this thirteen hun and some odd dollars, the thing became public through the press, did it not?— was discussed there; yes, sir.

Q. What view did the press take of the matter; I mean the spending of this ey?—A. Some of the papers were opposed to it, sir.

Q. Did they criticize it as a steal?—A. Something of that kind I think it was.

Q. Did you receive a letter from Congressman Willis in relation to this?— received a letter from Mr. Willis, I think, in May, 1885.

Q. That was after this money had been paid by the city council, or while the ject was being agitated?—A. May, 1884, I think.

Q. Have you the letter with you?—A. I have the letter with me. I have Willis's permission to use it. It is a private letter, and I would not have it read u I had got his permission. [Witness here handed letter referred to to Mr. Lehlba

Q. (After perusing letter.) This letter was written May 15, 1885, I see. I w like to introduce this letter as evidence. I understand, Mr. Glass, that you have permission of Mr. Willis to use this letter here in the committee?—A. Yes, si asked him whether he would object to it or not. His letter does not call for a vestigation, but is simply one of inquiry.

Q. I will ask you further, after I have read the letter, what steps you took on receipt of this letter. It is dated May 15, 1885, Louisville, Ky. It is as follows:

"[Private.]

"DEAR SIR: I inclose a slip cut from one of the papers yesterday. I have not several similar paragraphs. As I was chairman of the committee before which claim came, and as I was and am your near neighbor, I feel that there is no im priety in writing to you for an explanation of this. It is claimed that money used to secure the adoption of this appropriation. If so, I would be pleased to k *who* received this money. If it was given, I undertake to say that it was unne sarily thrown away. There never was—so far as the House committee and the H were concerned—the slightest doubt but that the appropriation would be made. believing that there must be some mistake in the statement that '$1,200 was use lobbying the bill through Congress,' or, if not, that your people have been unne sarily victimized by Washington sharps who pretended to have 'influence.' I thought proper to drop you this hasty note.

"Yours, truly,

"ALBERT WILLI

"Ex-Mayor GLASS."

And here is the slip referred to.—A. Yes, sir; that was the slip inclosed in it.

Q. I will also read the slip:

"The members of the city council held a private meeting the other night, at office of W. G. Fouts, for the purpose of considering the matter of paying the penses of the levee, which amount to $2,500; these expenses were incurred in var ways. Of this sum, $1,200 was used in lobbying the bill through Congress, and other $1,300 was used for the purpose of making surveys, &c., and visiting Wash ton to look after the matter. It is said that ex-Mayor Glass is opposed to pa part of the bill for the reason that he thought the levee could be gotten through

out any lobbying at Washington. It is probable that the new council will order the bill paid, because if the levee is worth anything it is worth $2,500. It will be the means of expending $50,000 in Jeffersonville, and this amount will go a great way toward relieving the distress among the laboring men."

And this slip was inclosed in the letter written by Mr. Willis to you?—A. That was the slip in the letter.

Q. There was no session of Congress between the time you received this letter and this present Congress. This is the first session since you received this letter, is it not?—A. I think it is; I am not sure.

Q. When did you take steps to have this investigation made?—A. After the city was required to pay it. I had spoken to Senator Harrison about it before that.

By Mr. ELLIS (counsel):

Q. Did you respond to that letter, Mr. Glass?—A. Yes, sir.

Q. Have you a copy of the reply?—A. No, sir; I have not.

Q. Can you recall the tenor of the reply?—A. I think I stated in my letter to Mr. Willis that I would call and see him. I did call as many as three or four times after Mr. Willis had returned home from Congress, but was never able to see him. He was sick two or three times I called. I think I left my card at his office. His brother-in-law or some gentleman in his office told me he was sick. The other time I called he was away, so that I never had an interview with him.

Q. What did you want to see him about?—A. I just wanted to talk to him about this matter.

Q. In your reply did you simply state, I will call and see you?—A. I don't remember exactly now what I did say, but I did state that I would call and see him.

Q. Are you positive that you reported and tried to see him several times and failed to see him? What was your purpose in seeing him?—A. Just to give an explanation of the matter personally.

Q. Well, what explanation would you have given him or could you have given? Would you have told him that that money was corruptly used here?—A. I should have told him my opinion of it as I gave it here before.

Q. That it was corruptly used?—A. I never believed that it was necessary for the passage of the bill. I was opposed to it.

Q. That is not the question. The question is whether, in your judgment, that money was corruptly used?—A. That is the view I took of it.

Q. Now, upon what do you base that judgment; upon what fact do you base that judgment?—A. Because I did not believe it was necessary to expend the money in Congress, and that Congressmen did not require it, and that there was no call for it.

Q. That Congressmen did not require it?—A. That there was no call for it.

Q. Then you believed that it was to be paid Congressmen, did you?—A. I never believed that it was to be paid Congressmen.

Q. Then what sense was there in your reply to my question that Congressmen did not need it?—A. I did not say that Congressmen did not need it.

Q. I think the notes will bear me out in saying that a moment ago you alleged or adduced as a motive for believing that the money was corruptly expended that it was not necessary, because Congressmen did not need it. Did you not say that?—A. I only believed that it was not right or necessary to spend any money for the passage of the bill.

Q. Did you not a moment ago say in reply to my question that Congressmen did not need the money, and therefore this expenditure was unnecessary?—A. I never believed it was needed and never believed that it was right or necessary to the passage of the bill.

Q. Because Congressmen did not need it? Did you not reply in that way a moment ago? Now, Mr. Glass, do you believe that a member of Congress was ever corruptly approached in regard to that measure?—A. I cannot say as to that, sir.

Q. Do you believe it, sir?—A. I do not believe they were.

Q. Do you think there was a member of the River and Harbor Committee that could be thus approached?—A. I do not.

Q. Do you believe that a member of the Senate Commerce Committee could be approached with money?—A. I do not, sir.

Q. Then, how in the world could you believe that this money was corruptly used?—A: Well, sir; I do not think it necessary to pay Congressmen; that Congressmen require it or Senators either.

Q. And still you believe that while there was no man who could be approached on either committee, or that money would avail, how is it then that you gave this answer to the committee, that it was not necessary, because Congressmen could not be paid for their votes. You believe then that money was sent under the pretense of paying Congressmen, do you?—A. There was some understanding of that kind.

Q. Now, we have got you down to something. Whose understanding was it that Congressmen were to be paid?—A. That was about what I thought Mr. Shuler said.

Not that Congressmen were to be paid, but that this money was to be used to secure the passage of the bill.

Q. Again you do not answer my question. You said just now your understanding was that the purpose alleged was the payment of Congressmen. You said that just a moment ago. Now, I ask whose understanding was that. Was that your understanding?—A. My understanding was that it was to be legitimately used.

Q. I am not talking of your belief. Now, I want to know, Mr. Glass, upon what fact you believed that money was to be corruptly used in paying Congressmen or Senators?—A. It was my opinion that it never was to be used in that way, or that Congressmen or Senators were to receive it.

Q. Then who was to receive it?—A. I supposed Mr. Warder and Mr. Stealey, as I understood it.

Q. Then you say that it was your belief they took it and put it in their pockets?—A. I never thought it was necessary to be used in the passage of this bill.

Q. You do not answer my question. Do you believe, and will you assert to this committee as your belief, that Mr. Stealey and Mr. Warder received this money and put it in their pockets or used it illegitimately? Do you believe that?—A. I do not know how they used it at all, sir.

Q. What then inspired this investigation? Why did you bring this thing to the attention of Senator Harrison and Congressman Browne?—A. Because I never believed that it was right to spend this amount of money.

Q. Do you know of a single fact, or the single utterance of any man in the world, or any woman or any child, or of any creature that warrants you in believing that this money was corruptly used?—A. I only have my opinion about that, sir.

Q. Then there is no fact within your knowledge and no utterance of anybody that warrants you in believing it; it is only an opinion of yours. Is not that so, sir?—A. I never believed it was necessary, sir.

Q. Does it follow that because this money was not necessarily used it was corruptly used?

The CHAIRMAN. It seems to me that this is in the nature of argument.

Mr. ELLIS. I am trying to bring the witness to the standpoint upon which I am conducting the examination. I want to get the motive or fact. Now, Mr. Glass, is there a fact within your knowledge upon which you could deduce or argue a corrupt motive?

The WITNESS. I don't know. Some two or three weeks ago there was an overture made to me that this money would be paid back into the city treasury if the charge would be withdrawn.

Q. Who made that overture?—A. Mr. McCampbell came in my office and made it.

Q. Who is he?—A. A citizen of Jeffersonville.

Q. I wish you would write his name here [handing paper to witness].—A. His name is James H. McCampbell.

Q. And you say he made an overture to you that if you stopped this investigation he would pay back this money into the city treasury?—A. He came to me and said that it would be paid back if this thing was stopped.

Q. Did he say who would pay it back?—A. I asked him who would.

Q. And whom did he name?—A. He said Mr. Stealey.

Q. He came from Mr. Stealey, did he, with this overture?—A. That was my understanding.

Q. I am asking you of facts. You said that some two or three weeks ago this overture was made, and you ought to remember all the facts connected with it. Did he show you any letter from Mr. Stealey?—A. No, sir.

Q. Did he show you any authorization whatever?—A. He never said.

Q. Was any further overture made to you by anybody?—A. No, sir.

Q. Is that the only fact within your knowledge which induces you to believe that this money was corruptly used, or intended to be corruptly used?—A. I gave my evidence the other day, sir, as to all I know about it.

Q. You are on the stand again, sir. I ask is that the only fact?—A. Only that and what I heard, and what I gave in as evidence here the other day.

Q. Then there is no fact which you are willing to tell this committee upon which you could adduce or from which you could argue a reasonable belief that this money was corruptly expended or intended to be corruptly used; do I so understand you?—A. My opinion was that if it was used at all, it was legitimately used.

Q. It was a clear matter of principle, was it, on your part?—A. Yes, sir.

Q. Your conscience wrestled with it for over a year, yea, two years, and it did not torture you so that you were induced to start this investigation until you had gone out of office?—A. Not until the city had to pay it.

Q. Then, upon your belief, not upon a fact, this money was improvidently or improperly spent while you were mayor, and you never ordered or attempted to order an investigation?—A. No, sir.

Q. Mr. Glass, where were you born?—A. In Blount County, Tennessee,

Q. When?—A. In 1842, the record says.
Q. How long did you live there, sir?—A. I do not know; I left there when I was ry small.
Q. Where did you go?—A. Alabama.
Q. What county?—A. Chambers County, I think, sir.
Q. How long did you stay there?—A. I remained there until 1860 or 1861, I think, .
Q. How old were you in 1860 or 1861?—A. I cannot just tell; I was born in 1842; a can calculate it.
Q. Then you were eighteen or nineteen years old; where did you go from there?—. I left home.
Q. Where did you go?—A. When I left home?
Q. When you left the State of Alabama, where did you go?—A. I went into the bel army.
Q. What regiment?—A. Forty-sixth Alabama.
Q. Who was the colonel?—A. M. S. Wood.
Q. Colonel Wood of this city?—A. I don't know, sir.
Q. Where did you go with that regiment?—A. I was around with the regiment rough the West.
Q. Whereabouts?—A. Vicksburg.
Q. Were you captured at Vicksburg?—A. Yes, sir.
Q. You surrendered there?—A. Yes, sir.
Q. Where did you go then?—A. I went home.
Q. To Alabama?—A. Yes, sir.
Q. How long did you stay there?—A. I don't remember just how long I staid there.
Q. Well, when did you leave there?—A. I cannot tell just what date.
Q. Were you exchanged?—A. I think I was.
Q. Did you rejoin your command?—A. I came North.
Q. Where did you go?—A. Went to Jeffersonville.
Q. Jeffersonville, Ind. When did you arrive there?—A. I think in 1863.
Q In other words, you deserted?—A. I came North, sir.
Q. Well, what did you do when you got to Jeffersonville?—A. I did any work I uld get.
Q. What did you work at?—A. Various things.
Q. What was the first thing you went at?—A. I drove teams. Now, I do not ally remember the first thing I went at; I think I started at husking corn for a ring.
Q. What next?—A. I drove a team, and did anything that there was to be done at I could do.
Q. Didn't you go into the employ of somebody who had a penitentiary contract for rking convicts?—A. I was a guard at the prison.
Q. Were you not time-keeper for one of the lessees of the penitentiary?—A. No, sir.
Q. Did you not report the time of the men working under contract there?—A. No, r.
Q. Who was your employer?—A. I was employed as a guard. I worked for contractors, but I worked for them driving teams and then as wagon-master.
Q. Did you not keep time for one of these contractors?—A. No, sir.
Q. You are very positive of that?—A. Yes, sir.
Q. Were you not employed by John R. Gathright, then a contractor?—A. I think was guard over the men who were working for him.
Q. And they were convicts?—A. Yes, sir.
Q. What were your duties when in his employ?—A. To see that the convicts did he work properly.
Q. You reported the time of these convicts, did you not?—A. I haven't any recollection.
Q. Now, I want to put you on your guard; I ask you these questions for the purpose of contradicting you. Did you not report the number of convicts that worked ach day for John R. Gathright?—A. If I did I have no recollection of it.
Q. I am going to try to contradict you about this, and I am putting you on your guard. Then you cannot remember whether you did or not keep the time of these convicts?—A. I do not see why I kept the time of the convicts, as I was only a guard.
Q. A guard might do that. But they had certain hours to go in and certain hours to go out. Now were you not employed a portion of the time by Mr. Gathright in keeping the time of those convicts working for him?—A. Not to my recollection.
Q. Did you not make a proposition to John R. Gathright, then of Jeffersonville, now of Louisville, Ky., that for the payment of a certain sum of money you would report every day a fewer number of men than actually worked?—A. I never did.
Q. You are positive of that?—A. Never did; never did.
Q. Who was warden of the penitentiary at that time?—A. Capt. A. J. Howard, I think.

Q. Where is he now?—A. He is at Jeffersonville, I presume.
Q. Jeffersonville, Ind.—A. Yes, sir.
Q. When you first went there who was warden?—A. When I went there, a time I was driving for Mr. Gathright, Captain Howard was warden.
Q. When you first went there who was warden?—A. J. B. Merryweather, I
Q. How long were you there under Mr. Merryweather?—A. I don't rememb how long I was there.
Q. Was it a year? Give me an idea.—A. I think two or three years, may be.

By Mr. THOMPSON (counsel):

Q. Mr. Glass, when the proposition was made to you by Mr. McCampbell, y derstood it came through Mr. Stealey to refund this money into the public treas satisfaction of this whole matter if it were dropped. I understood you in your nal testimony given here a day or two ago, to say that the objection to the ex iture of public money was because you were trying to protect the treasury?—A sir.
Q. Then why did you not accept this proposition?—A. Because I had ask Browne to have the matter investigated, and he gave notice that he introd resolution.
Q. But it had not been introduced up to that time?—A. I think may be it h else he gave notice he would.
Q. Now, state the time it occurred, so that we may get at that exactly—I me time when Mr. McCampell made this proposition to you?—A. It is only withi or three weeks; I cannot give you the exact date.
Q. Can you come within a week of it?—A. Well, I think it was within th three or four weeks.
Q. Now, if I understand the witness, and I do not want to misquote him, that sition was made, as near as he recollects, three or four weeks ago?—A. I said few days after the notice was given that Mr. Browne would introduce the resol or it had been introduced.
Q. Before or after?—A. Notice given, or it had been introduced.
Q. Notice to whom?—A. I say either after the notice was given—I know i after that.
Q. Notice given to whom?—A. In the House.
Mr. FARQUHAR. The witness means the announcement.
Mr. THOMPSON. Do you mean announced in the House?
The WITNESS. Yes, sir.
Q. Did he make an independent announcement outside of the House?—A. I in the papers.
Q. That he had made an announcement in the House that he was going to duce this resolution?—A. That he had introduced it.
Q. Then the resolution had been introduced?—A. Well, I think it was.
Q. Now, are you sure of that?—A. I think it was, sir.

By Mr. STONE:

Q. Who is Mr. McCampbell?—A. The president of the First National Bank o fersonville.
Mr. BLANCHARD. You say that you were in the Confederate service and wen tured at Vicksburg?
The WITNESS. Yes, sir.
Q. You were paroled then, were you?—A. Yes, sir.
Q. And then went to Alabama?—A. Yes, sir.
Q. Then you went North?—A. Yes, sir.
Q. You never joined any command of the Confederacy after your capture at burg?—A. I came on through to the North.
Q. Did you rejoin any Confederate company or regiment or military force afte capture at Vicksburg?—A. Yes, sir.
Q. After you were exchanged?—A. Yes, sir; after we reported for exchange.
Q. You rejoined your command?—A. Yes, sir.
Q. Where?—A. At Demopolis, I think it was.
Q. And then came North and settled at Jeffersonville?—A. Yes, sir.

By Mr. ELLIS, counsel:

Q. Were you discharged from the military service of the rebel Confederacy?- discharged myself.
Q. In other words, you deserted.
Mr. FARQUHAR. Did you understand at Vicksburg what the terms of your were?
The WITNESS. The length of time?
Q. Yes.—A. I did not.
Q. Did you know, or did any of you know, at that time what the length o parole was?—A. Some of them might have; I did not.

Q. Mr. Blanchard asked you if you ever joined any Confederate force after that?—A. I did.

Q. Where?—A. At Demopolis.

Q. Did you serve in the field after that?—A. Yes, sir.

Q. How long?—A. I don't remember.

Q. Did you know you were violating your parole?—A. I did not. I was not familiar with such matters at that time. I could not tell just how it was. I never believed in the cause.

Q. I did not ask you as to that. I want to get at the point whether or not you were a deserter. I happen to know a good deal about that matter myself. You say that you served afterwards; that you were mobilized in your own brigade or division, or whatever it was, or that at least you went into the service after that. Now, how long after you were paroled at Vicksburg did you go into the service again?—A. I think I was ordered back in thirty days.

Q. Who gave the order, do you think?—A. It was a general order, I think.

Q. From the Confederate commander of that department?—A. I think it was.

Q. Were all the troops ordered in the line at that time?—A. I think so.

Q. To the line, or were you sent to camp?—A. Sent to camp and on to the front.

Q. And you did go to the front?—A. I came on to the front.

Q. With whose command were you then?—A. I don't know when we went back; I don't remember just now who was in command.

By Mr. BLANCHARD:

Q. Had there been any exchange of prisoners?—A. It was reported there had been.

HON. NEWTON C. BLANCHARD, being duly sworn, testified as follows:

By the CHAIRMAN:

Question. Was this matter before your committee at all, Mr. Blanchard?—Answer. I will. Mr. Chairman, state that I was a member of the River and Harbor Committee of the House of Representatives in the Forty-eighth Congress, and as such I participated actively in the preparation of the river and harbor bill of the first session of the Forty-eighth Congress, which bill became a law by approval of the President on July 5, 1884. I will also state that I was one of the managers of the House on the conference committee of the two houses on the disagreeing votes of the House to the Senate amendments to the bill. In the Forty-eighth Congress Mr. Stockslager, of Indiana, on April 4, 1884, introduced a bill, the title of which was "A bill appropriating $75,000 for the protection of the Government property and communication with said property, and the improvement of the navigation of the Ohio River, at Jeffersonville, Ind." That bill was referred by the House to the Committee on Rivers and Harbors.

I will state that I have before me the river and harbor bill of 1884, as the same finally passed both houses of Congress and was approved by the President. I find in that bill, on page 16, the following item: "Improving the Ohio River, continuing improvement, $600,000, of which sum $70,000, or so much thereof as may be necessary for the completion of the Davis Island Dam, shall be expended on that work; $50,000 shall be used in continuing the work on the upper and lower dikes and other improvements at Grand Chain, and $7,500 for the ice harbor at the mouth of the Great Kanawha; and $50,000, or so much thereof as may be necessary, for the improvement of the navigation of the river at Jeffersonville and the protection of the Government property."

I will state further that I have before me that bill; that is to say, the river and harbor bill of 1884, and as the same was amended by the Senate after it passage in the House.

Q. Did I understand you to say that the Jeffersonville appropriation was not adopted by the House?—A. I will come to that in a moment. On page 41 of the bill, as amended by the Senate, I find the appropriation relating to the Ohio River. That appropriation, as reported from the House Committee on Rivers and Harbors and as passed the House, read as follows:

"Improving the Ohio River, continuing the improvement, $600,000, of which sum $70,000, or so much thereof as may be necessary for the completion of the Davis Island Dam, shall be expended on that work; $50,000 shall be used in continuing work on the upper and lower dikes and other improvements at Grand Chain, and $7,500 for the ice harbor at the mouth of the Great Kanawha."

And there it ended, so that the House Committee on Rivers and Harbors of the Forty-eighth Congress did not report, and the House of Representatives of the Forty-eighth Congress did not adopt, an appropriation for $50,000 for the Jeffersonville, Ind., improvement. It appears that the designation of $50,000 for that improvement was made by the Senate Committee on Commerce, and that in the conference between the two Houses on the disagreeing votes of the House to the Senate amendments, that

existence of the Forty-eighth Congress.

I desire to say further that when the matter came up in a conference bet Senate managers and the House managers, not a word was said touching th priation by anybody except gentlemen who composed the conference commi usual in a conference between the managers of the two houses.

A. J. FRANK, a witness, being duly sworn, testified as follows:

By Mr. BLANCHARD:

Question. Where do you reside, Mr. Frank?—Answer. Jeffersonville, Ind.

Q. What is your age and accupation?—A. Forty-two years; my occupatic of a merchant.

Q. How long have you resided in Jeffersonville?—A. Forty-two years.

Q. Are you a member of the city council of Jeffersonville?—A. No, sir.

Q. Were you until the last election was held?—A. I think I was elected and served four years—two terms. I went out in 1885.

Q. Then you were not elected at the last election as a member of the cou No, sir.

Q. Were you a candidate?—A. Yes, sir.

Q. Were you serving actively as a member of the city council in the yea A. Yes, sir.

Q. When did you first acquire any knowledge of the intention to expend of $1,250, which has figured so largely in this investigation?—A. The first I that was, I think, the day of the same evening that this informal meeting w been spoken of was held.

Q. This informal meeting of the council?—A. Yes, sir; that same evening I was; it was either that evening or the evening before, though I am under pression it was the same evening.

Q. Who was the first to apprise you of it?—A. Mr. Shuler.

Q. What did he say to you?—A. I went by his store on my way to the po and he said he had received a letter from Mr. Warder. He opened it and s to me.

Q. Did you read the letter?—A. I read part of it.

Q. By whom was the letter signed?—A. By Mr. Warder.

Q. Did you recognize the handwriting of Mr. Warder?—A. I thought it w looked familiar to me, as I had seen his handwriting before.

Q. Do you remember or could you approximate the date of that letter? sir; I could not.

Q. That letter, it seems, has been destroyed or lost?—A. I suppose so; yes

Q. Can you give the contents of that letter, or any part of its contents or stance of it?—A. It was an individual letter to Mr. Shuler. It was addressed Shuler." It referred to this levee measure, and it is my impression, as near get at it, that the letter went on to state that in order to get this measure th would take some money; that it would take at least $1,250. I think $250 d $1,000 as a contingent. I am under the impression that the same letter refe

Q. Well, Mr. Frank, what then did Mr. Shuler say after exhibiting this letter?—A. Well, he said, what do you think of it? I said, Mr. Shuler, I do not know about that; the trouble is we have not got the money; our city is bankrupt; we have not got the money. That was about all that was said about it at that time.

Q. Did he not ask you to attend that informal meeting of the council?—A. I had no notice of it then; I think that was in the morning; I was notified later in the day, I think, to come to the city treasurer's office that evening, as there would be a meeting of the council there.

Q. Did the notification state that this meeting would be in relation to the levee matter?—A. Yes, sir.

Q. Who gave you that notification; was it verbal or in writing?—A. I think it was verbal.

Q. Well, who gave it to you?—A. Mr. Shuler, I think. Either he did or he sent word to me. I was just trying to think whether he notified me himself or sent a deputy marshal—Mr. Chapman. On second thought, I think the deputy marshal gave me the notice. He said that there was going to be a meeting of the council that evening around at the treasurer's office.

Q. Did you attend that meeting?—A. Yes, sir.

Q. Was this letter which Mr. Shuler exhibited to you that morning read at that meeting?—A. Yes, sir.

Q. Well, what did the meeting do?—A. The meeting appointed me as chairman. Mr. Fouts, one of the committee on levee, named me for chairman, and I was placed in the chair.

Q. To preside over this informal meeting?—A. Yes, sir; I asked what was the object of the meeting, and although I do not remember the exact language in reply to my question I think it was stated it was in regard to the levee matter. I asked if there was any business before the meeting, and I think Mr. Burlingame read this letter I speak of. Somebody made a motion that the suggestions in the letter be concurred in. The motion was seconded and debated by several of the members, when the question was put and carried. It runs in my mind now that it was intended in advance to bring this letter up before that meeting, and it was an informal meeting to get the sense of the council on it, and afterwards to bring it before a regular meeting of the council.

Q. Was it ever brought before a regular meeting of the council?—A. Not during my term.

By the CHAIRMAN:

Q. Was it the intention to commit the members of the council as to their future action?—A. I suppose it was.

Q. Were you one of those who favored a concurrence in the suggestions of that letter?—A. No, sir.

Q. You did not express your sentiments?—A. I never voted at all.

Q. You did not vote because you were in the chair?—A. Yes, sir.

Q. Was anything said at that informal meeting as to how this sum of $1,250 was to be used; to whom it was to be sent, how raised, and so forth?—A. Well, I do not know as I can call to mind anything of that kind. It seemed that everybody at the time was somewhat excited. We were just getting over a very severe flood, and it was just like a dying man grabbing at a straw for relief. Everybody wanted relief.

Q. Relief from any future overflow of your town?—A. Yes, sir.

Q. Now, then, the sentiment of that meeting of the council was largely in favor of resort to this means to secure this appropriation?—A. Yes, sir; the majority were.

Q. And you all seemed to have adopted the suggestions of the letter?—A. Yes, sir.

Q. Did you not discuss or take some action in respect to the question of how this money was to be raised?—A. No, sir; there was nothing said as to how it was to be raised, from the fact, speaking from the impression made upon me, that the matter was again to come before a regular meeting, and a special appropriation of the money be made.

Q. Now, after that informal meeting of the council did anybody talk with you further about this matter at any time afterward?—A. What do you mean by anybody? Q. Any of these parties interested in this matter; Mr. Shuler or any member of the council.—A. We spoke of the matter at different times.

Q. Well, was it brought to your knowledge as to what means would be resorted to for the purpose of raising this money?—A. I think means were adopted for raising the money.

Q. I asked, was the means of raising this money brought to your knowledge therefor?—A. I don't know. It seems to me at the time spoken of the levee committee was a little afraid of me. They were afraid I was going to oppose this measure, and not have a great deal to say to me on the subject.

Q. I suppose it is a fact that you did know of the making of this note and its discount in bank?—A. Only from hearsay.

Q. And that the money was sent on to Washington?—A. From hearsay. I nothing in the records.

Q. Sent to Mr. Warder or to whom?—A. My understanding was that it w Warder, I only heard that part of the money was sent by telegram.

Q. Did you hear that part of it had been sent to Mr. Stealey?—A. No, sir.

Q. You heard that all of it had been sent to Mr. Warder?—A. I heard two diff stories about it. I heard that part of it had been sent to Mr. Warder and part t Stealey, and I heard that all of it had been sent to Warder.

Q. Did you ever, as a member of the council, inquire into this matter?—A. No, it never came up before the council.

Q. Did you ever hear the name of this influential party or attorney who was ployed here?—A. No, sir.

Q. Did you at any time ever talk to Mr. Warder or Mr. Stealey about this matte A. Not that I know of.

Q. You understood from common rumor that a party had been employed he this transaction?—A. Well, I do not know that I did.

Q. Just tell us what the prevailing impression about this was in Jeffersonvil A. The prevailing impression in regard to the matter was different. The majori the people knew that the money had been sent here; but I do not know how it thought the money was to be applied, and as far as I was personally concerned, I not pass any opinion as to how the money was applied.

Q. Was any report ever made to the city council by any of these committees covering the money disbursed on account of this Jeffersonville appropriation d the time you were a member of the council?—A. No, sir.

Q. Was at any meeting of the council that you ever attended except this info meeting?—A. This matter was never mentioned.

Q. The $1,250 transaction?—A. Not to my knowledge.

Q. Do you know anything else about this matter, Mr. Frank?—A. Nothing my own knowledge; I have been out of the council since the last election; at time the last canvass was made I was sick in bed.

Q. Did you make a canvass?—A. I was a candidate, but just before the elect took sick.

Q. Were you nominated as a debt-paying candidate?—A. The Republican p nominated me; I do not know whether they wanted it paid or not.

Q. Was that question an issue in that election?—A. Not in my ward, except a as the mayor was concerned as to signing the order.

Q. And there is nothing that you know concerning this transaction that would to throw any light upon it that you have not divulged?—A. Not as I know; no.

By Mr. CLEMENTS:

Q. Mr. Franks, in this letter that you saw to Shuler from Warder, was there suggestion in it or information that your Senators or Representatives were not p erly looking after this appropriation?—A. No, sir.

Q. Was there any difficulty mentioned why it was necessary to get money? No; no reason was given, but it simply said it would require some money, and that it would be $1,250; $250 down and $1,000 afterwards.

Q. There was nothing stated in it that there was any difficulty in the way w would not pass?—A. It did not state what the difficulty was, or whether there any difficulty.

Q. Was that marked "confidential?"—A. Not to my knowledge.

By Mr. LEHLBACH.

Q. When Mr. Shuler first gave you this letter to read did you express to him opinion as to the propriety of sending this money?—A. I think I expressed the opi so far as to say I did not like it from the simple fact that we had no money to pa

Q. What did he say to that?—A. He said we could not let the levee go throug the sake of $1,250.

Q. Did he give you to understand then from his conversation with you that if money was not sent on here the bill would be in danger in its passage?—A. We do not think that he would try that on me, as he knew I would not believe it. I I do not dispute there may be such a thing as money being expended for bringi thing before the House; I do not know whether it is regular; but as far as usi directly in the House I did not believe that.

By Mr. ELLIS:

Q. In regard to that letter, Mr. Frank, I think you stated that $250 was to be and the $1,000 as a retainer?—A. Something to that effect.

Q. The word retainer was used?—A. I am under the impression that word was in it.

Q. I would ask you, Mr. Frank, briefly about that letter; as far as you can rem

e again your remembrance as to the terms proposed in that letter by Mr. War-
In regard to the $250 and the $1,000?
not the letter state that Mr. Warder had contracted with an influential
attorney or confidential friend?—A. Not that I remember of.
ll, was there anything confidential; was any confidence imposed by Mr.
on Mr. Shuler in that letter?—A. Not that I know of.
s there any secret made of it?—A. It seems not, as it has been shown several

that letter not say that Mr. Warder had already paid $250 to some par-
Not that I recollect. You see it has been nearly two years since I have seen
er.
you ever hear any member of the council declare that he believed that there
hing immoral, illegal, or corrupt in sending the money?—A. I do not know
question was ever suggested.
m your knowledge of these gentlemen, from your service on that council,
ur colleagues on that council, do you believe that there is one of them that
ok to a proposition for the corrupt use of money here?—A. I should not

re you not present at the meeting when the resolutions of thanks were passed
. Stealey and Warder?—A. Yes, sir.
supported them?—A. Yes, sir.
re you not also present at another meeting, when a report was made by the
mittee, which was concurred in, and did not you vote for it?—A. I do not
There was one meeting at which some of that levee business came up when I
there. I think I was present the night that these resolutions were passed in
the vote of thanks. The record will show, for I was a stickler for the ayes

i it ever come into your heart or thought or soul that there were any inten-
sing this money improperly or corruptly?
airman suggesting that the question was scarcely in proper shape, Mr. Ellis
: I want to show that there were men on that council that were as pure in
lass.
OMPSON. The charge is that they were disbursing a corruption fund.
LLIS. The charge is that they improperly received money, to improperly influ-
islation, being employés of the House, and I want to try to show from this
f any impression was made on their minds at the time as to whether anything
in those letters looked to the possibility of corruption being used.
estion was then admitted.
LLIS. I repeat the question. Had it ever entered into your heart or thought
money was to be improperly or corruptly used here?
ITNESS. I do not know that I ever expressed myself on it or formed an
s to how the money was to be expended. If I had formed one I would have
t on something blindly.
uld you have joined in the vote of thanks and had them placed under the
our city council and sent to these gentlemen for making any corrupt proposi-
f you had thought that, you certainly would not?—A. No, sir.

the CHAIRMAN:

. Frank, the opinion conveyed to you was that this money was necessary?—
sir.
u could not say and you did not know what steps were necessary to get the
ugh the House. You did not know what money was necessary, if money was
y, to get it through the House. You did not know about Congressional pro-
; you were anxious to have that bill, and you did not stop to inquire how it
e done?—A. You would think I was very anxious if you had been as deep
ater as I was.

Mr. BLANCHARD:

s that levee been constructed?—A. Yes, sir.
ished?—A. I do not think it is finished. As far as the line was surveyed for it
shed, and the idea was only to ask for that particular line, as we expected the
to bank up their railroad far enough to give further help.
s the building of that levee by the United States benefited your city?—A.
at extent.
as not been overflowed?—A. It has not been tested enough yet.
ant to ask you if you, while expending $1,250 and sending two committees on
dvocate this measure, were doing it for the protection solely of Government
or the protection, jointly, of Jeffersonville?—A. I never thought it was en-
the protection of the approaches to the Government property. It might be
that the water could get up to the Government building.

Q. [illegible] was needed for the protection of Jeffersonville [illegible]? A. To a great extent.

Q. [illegible] protection of Government property from destruction by overflow?—A. [illegible] Government property—not the principal property—subject to [illegible].

Q. But the Government property was not so much in danger as supposed, then?—A. [illegible] We would like to have it finished.

Hon. ALBERT S. WILLIS sworn and examined.

By the CHAIRMAN:

Question. You were the chairman of the Rivers and Harbors Committee in the Congress in which this appropriation for Jeffersonville came up?—Answer. Yes, sir.

Q. Do you recollect when the matter was before the committee?—A. Not the exact day. I recollect very well when the matter was called to my attention first. I cannot give the exact day. It was never before our committee except after the action of the Senate. When the amendments offered by the Senate were non-concurred in by the action of our committee and with the explanation that it was Government property, our committee of conference agreed to let it stand, but the amendments that were passed by the Senate were not formally before our committee before the bill was passed upon, and no one appeared before the committee in the interest of this amendment. My recollection is that a committee from Jeffersonville was introduced to me by Mr. Warder; but my statement to them, if I recollect right, was that it could not be brought before our committee, for the reason that our bill had been reported; and the only way to obtain it was to take it before the Senate Committee on Commerce. That is my recollection about it.

By Mr. BLANCHARD:

Q. You remember that this appropriation of $50,000 for Jeffersonville was put on in the Senate?—A. Yes, sir.

Q. And that in the conference between the two houses on the disagreeing votes of the House and the Senate on the Senate amendments it was allowed to remain?—A. Yes, sir.

Q. That is, the House conferees receded from their objection to the amendment of the Senate?—A. That is the fact.

By Mr. CLEMENTS:

Q. It was carved out of the appropriation for the Ohio River?—A. It was a carving out of the fund allowed to the Ohio River of a certain portion for the protection, as I understood, of the Jeffersonville quartermaster's store. We construed that it was not strictly in the interest of navigation, but my recollection is that a letter from the Secretary of War was either presented when it came back from the Senate or was referred to, stating that the Government stores at Jeffersonville were in jeopardy; and while it was not strictly in the interest of navigation I think that fact influenced our conferees to allow it to go through. The River and Harbor Committee had little or nothing to do with the matter but as I have stated. There was a bill introduced by Mr. Stockslager on the same subject, which bill was never called up before our committee; and no member from Indiana ever was before the Committee on Rivers and Harbors in behalf of these propositions. The consultation that I refer to was with the committee from Jeffersonville I believe. Mr. Howard was a member of the committee. I am not positive about that. They were asking for information.

Q. That was the conference between yourself and Mr. Howard?—A. They came to inquire, and I informed them that we had reported the bill, or it was ready for action, and that it would be necessary, if they got it put on at all, to get it put on by the Senate. That is my best recollection.

By Mr. LEHLBACH:

Q. You have been chairman of the Rivers and Harbors Committee six years?—A. The Committee on Rivers and Harbors was created in the last Congress. The Committee on Commerce formerly had charge of the subject. In the first session of the last Congress this new committee was created, and I have been chairman of it since that time.

Q. In a matter of this kind would it be necessary to employ counsel or an attorney and pay him $1,250?—A. I suppose that any gentleman could form his own opinion about that.

Q. Now these things are generally brought to the attention of members of Congress themselves and committees sent from the district they represent?—A. Yes, sir; that is the [illegible].

Do attorneys often appear before the Committee on Rivers and Harbors?—A. I do not know, sir, that that would be objected to; but it has been a very unusual thing. I do not, at this moment, recollect any instance in which an attorney appeared before that committee.

Mr. BLANCHARD. As an attorney?

Mr. WILLIS (continuing). As an attorney. We may have attorneys before us with-
: knowing it or former members of Congress who ask the privilege of being heard.
aim to hear every one that comes. I am only speaking of my knowledge. I do
mean to say that some one was there as an attorney, and that it was not known
the time, and I have no recollection of it now.

By Mr. LEHLBACH:

. Do not members of Congress from these districts appear before the committee?—
Yes, sir.

r. BLANCHARD. I think it is proper to inform Mr. Willis about the letter that has
a read.

r. WILLIS. I live just opposite Jeffersonville, and some time last year I saw in the
ersonville column of the Courier-Journal a little paragraph in which it was stated
t there was a contest then going on in Jeffersonville in regard to the payment, as I
erstood, of some parties in Washington for services rendered in procuring that levee
ropriation, and I was very much surprised. I wrote this note of inquiry to a gen-
an, whom I did not recollect the name of, but I now know to be Mr. Glass, who
then mayor of Jeffersonville, asking him when he was over in my city to call and
me, that I might inquire further in regard to it. I never saw him until the other
, but I had found his card on my table showing that he had called. I never saw
gentleman until the other day, when he called at my hotel, and said he had spoken
his letter in his examination, and asked the privilege of putting it in his evidence.
d him, as he had mentioned the letter, that if deemed proper for it to go in I
ld give my consent to it under these circumstances. At the time I wrote the let-
I wish to say for myself that I had no one in my mind, and did not know that
re was any charge against any one; but just supposed it was some party here in
shington that was endeavoring to make the council there pay for services that
y alleged had been rendered. And it was with a view of protecting them that I
te the letter.

By Mr. ELLIS:

Q. Did you receive a reply?—A. To that letter? I have no recollection of any re-
.

Q. You had no personal interview until the other day?—A. And then a pretty brief
e. Mr. Glass called at the hotel and subsequently at the door of my committee.

By Mr. THOMPSON:

Q. I understood you to say that when Mr. Warder brought Mr. Howard and the
mittee to you it was after your bill had passed the House?—A. That is my recol
tion.

Q. Let me refresh your recollection a little. If Mr. Howard and that committee
re sent here on the 17th of February, and reported home by the 11th of March, you
st have been mistaken about the time?—A. Well, it is, of course, my understand-
the bill had passed. I do not recollect the time when our committee reported the
l. What I intended to say was that my recollection is that the committee had
ed its work and had authorized the report on the bill. Probably reported for re-
mittal, and that it may be was on the calendar; but I did not mean to say that
bill had passed the House and gone to the Senate, and I have no positive recollec-
n about the other; but I do recollect of telling him—and there could have been no
se in that except from that—that the proper way would be to go to the Senate,
d see Senator Harrison and Senator Voorhees about putting it on the bill there.
it had been brought before our committee it could have been put on the bill.
re was no more reason for the action of the Senate than there would have been
the committee upon the same statement of facts. Mr. Stockslager's bill was not
ght up by him or any other member of Congress.

Q. If I understand the status here, these parties were not asking the Senate and did
get the Senate to add an additional item, increasing the amount of the bill
d by the House, and which your committee had given for the Ohio River; but
carving out an amount you had given for the Ohio River and giving it to this
, at Jeffersonville, without making any increase?—A. Without any increase to
amount allowed for the Ohio River.

The committee then adjourned.

APRIL 8, 1886—10 o'clock a.

Committee met pursuant to adjournment.

Hon. BENJAMIN HARRISON, a Senator of the United States, being duly sw examined as follows:

By Mr. CLEMENTS (acting chairman):

Question. Please state your name.—Answer. Benjamin Harrison.

Q. What is your official position?—A. I am Senator from the State of Indiana.

Q. State whether or not you occupied that position in the last Congress.—A. Yes, sir.

Q. Now, please state in your own way anything you know in connection with introduction or designation of an appropriation, for the improvement of the le at Jeffersonville, Ind., by the last Congress.—A. On the 1st day of March, 18 introduced in the Senate the resolution:

"*Resolved*, That the Secretary of War be directed to furnish to the Senate any in mation in his possession, or which may be attainable, as to the effect any dam or ot Government works in the channel of the Ohio River near Jeffersonville, Ind., has u the flood-line of the river in times of great freshets. Also, what effect such floods h as to cutting off communication with the quartermaster's depot at that place. A as to the practicability and probable cost of constructing a levee to prevent the o flow of said city of Jeffersonville and the approaches to the quartermaster's depot

That resolution was passed, I think, on the same day, and in response to the sa on the 12th of May, 1884, the Secretary of War submitted to the Senate a comm cation, accompanied by a letter from Col. William E. Merrill, of the Engineer Co giving an estimate of the cost of constructing the levee. Colonel Merrill's comm cation is as follows:

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, April 19, 18

GENERAL: I have the honor to submit the following report upon the matters tained in the resolution of the United States Senate, dated March 1, 1884, referre this office by your indorsement of March 5, 1884:

In order to show the exact condition of affairs during the flood of February I employed Mr. O. A. Clark, the city engineer of Jeffersonville, to prepare a map of city, showing in blue the limits of the flood, and indicating the depth of water at intersections of the principal submerged streets. With Mr. Clark's assistance, lected what seemed the best route for a levee, with an alternate location for its u section, and directed him to run a line of levels on these routes, and to make mates of the cost of construction. His map, profiles, report, and estimates are l with submitted.

An examination of the map, and of the figures giving the depths of water, sh that almost all of the business portion of the city was submerged to various de the maximum at any street intersection being 11 feet. It also shows that both upper and lower ends of the city were out of water, and that the problem of pr tion is limited to connecting these dry areas by a levee along the most favo line. This line is found to be near the bank of the Ohio River, as the profile of bottom land, upon which Jeffersonville is built, conforms to the general law of vial lands in being higher on the bank of the river than a short distance back. route selected generally follows the alley immediately in the rear of Front stree

In the resolution of the United States Senate three distinct subjects of inquir named, upon which I will now proceed to report in order.

"*The effect any dam or other Government works in the channel of the Ohio River Jeffersonville, Ind., has upon the flood-line of the river in great freshets.*"—The only ernment works in the channel of the Ohio River near Jeffersonville, Ind., are guiding dike at the entrance to the Louisville and Portland Canal, and the low across the head of the falls, which was placed there in order to increase the dep the canal during low water, and to obviate the necessity of a large amount of excavation in the canal itself. The guiding dike is near the Kentucky shore parallel to it, and it can therefore have no appreciable influence upon high w The dam across the head of the falls has a total length of 2,930 feet, of which 660 is movable and is let down below the bed of the river whenever the water is at nary boating stages. The crest of the fixed part of the dam is at the level of 5 the upper gauge. As the reading of the flood of 1884 on the gauge at the he canal was 46.7 feet, it is evident that, at the height of this flood, there w th of 41.7 feet of water on top of this dam, and as the dam does not make htest ripple on the surface when the gauge reads 12 feet, it is evident that it e no influence at all upon floods that are 30 feet higher.

have therefore to report that there are no Government works in the Ohio Riv near Jeffersonville, Ind., that have any influence upon the flood-line of the times of great freshets.

ɔelow, by backwater coming up the ravine of a small creek emptying into the just below the railroad bridge; but a slight raising of the embankment of the ıd, which crosses the bridge and goes to New Albany, would shut out this back-, and it is understood that the city of Jeffersonville and the railroad company ɔmbine to that end.

Respectfully, your obedient servant,

WILLIAM E. MERRILL,
Lieutenant-Colonel of Engineers.

ɟ. Gen. JOHN NEWTON,
Chief of Engineers, U. S. A.

the 20th of June, I introduced an amendment, proposed by me, to House bill which was the number of the river and harbor bill, I think, for the purpose of ructing a levee at the city of Jeffersonville. The amendment reads as follows: or the purpose of constructing a levee at the city of Jeffersonville, Ind., to pro- he approaches to the quartermaster's depot of the United States at that city, ı)."

ıt of course was referred to our Committee on Commerce. Afterwards, when our ittee was considering the river and harbor bill, I went before the same and made statements, in the nature of an argument, in favor of this improvement.

By Mr. BLANCHARD:

You were not a member of the Senate Committee on Commerce, were you?—A. r. Our committee agreed to report this appropriation, but it was not reported ly in the terms of my amendment. I have the bill before me, and the amend- as it was adopted by our committee was as follows:

ıd $50,000, or so much thereof as may be necessary, for the improvement of the ation of the river at Jeffersonville and the protection of the Government prop-

hat form this amendment was adopted, and I think in that form it went into w. It passed the Senate without any debate, so far as I recollect. The bill, the Senate amendments (as is a matter of our own record), went to the House, ll the Senate amendments were non-concurred in. A committee of conference ppointed consisting of Messrs. Willis, Blanchard, and Henderson, on the part of ouse; and Senators McMillan, Conger, and Ransom, on the part of the Senate. erstand that the appropriation was agreed to in conference. That is the legis- ı history of the matter as I understand it.

By Mr. CLEMENTS:

Please state, Senator, whether or not there was any appearance of any one, to your ledge, before the Committee of Commerce of the Senate, except yourself, in be- of this appropriation.—A. I am not prepared to state that my colleague did not fore the committee. I do not think he was there any day when I was but I do now that he did not at some time go before the committee. I do not know any

less some report or recommendation was sent to Congress from the War Depar and that afterwards I introduced that resolution calling for the report. I k no one else, and do not recall any one else appearing in behalf of this measu course I had correspondence with some of the people of Jeffersonville, which pondence I may now have in my possession, although I have not taken time t the same up, urging this appropriation. I know of no person occupying the r of attorney in the prosecution of that matter coming to me, and if such w case I have no knowledge of it. That is all I can say. If any such person ap he was not before the committee when I was, and he never made himself kn me.

Q. Do you remember the names of these people from Jeffersonville?—A. I can call them. My impression was that Mr. Howard, now a Member of the Hous here; but I cannot be positive about it, and my impression may not be correct that.

Q. Was that a committee of citizens?—A. I so understood. I will say furthe not until Mr. Glass sent me, in a letter, a slip cut from a newspaper, to the effec a contest was being made over the payment of expenses incident to the appropri did I know of an attorney being employed. I will state frankly to the com that, being pretty active myself in the securing of this appropriation, I deemed to myself and to other members of Congress who had been active in connectio the measure, that we should know what was done in regard to employing part secure the appropriation. I thought that, at least, was due to us.

Q. To whom did you turn over those papers?—A. I sent those papers to Mr. Br and, while it might have been investigated in the Senate, yet, as the gentlemen names were connected with it were serving in the House, I preferred that the tigation should be made here, instead of by a committee of our own, and I t the papers over to General Browne.

By Mr. BLANCHARD:

Q. I will ask you, Senator, whether or not there was any necessity for the en ment of an attorney in connection with this appropriation before the Senate Well, I do not know of any, and I do not now think there was any; these m as you all know, are attended to by the local Representatives and the Senato have the interests of their constituents at heart, and who can do very much mor the committees than any attorney could. The fact was simply this: There wa one ground upon which that appropriation could be secured, and that was fo tecting the approaches to the Government buildings at Jeffersonville. In time o these buildings were cut off and could only be reached by skiffs; no steamboat get there. That was the only ground on which the appropriation could be got. was no contest, and I think the appropriation was made very cheerfully.

By Mr. STONE:

Q. When did Mr. Glass first call your attention to this matter?—A. Some tin summer, I think; I remember that the papers lay on my desk some time. This paper slip, with a letter from him calling my attention to it, came some time the adjournment of Congress, and I did not give it immediate attention.

Q. Do you mean last summer?—A. Last summer or spring; I do not recall t act time; I remember that it was after I had gone home from here.

Q. Have you that letter?—A. I think I gave that letter to General Browne the newspaper slip inclosed. I think I handed to General Browne all the pa had on the subject.

Q. And you say that it was your first communication from Mr. Glass?—A. Y and the first knowledge I had of anybody being paid in connection with this n

By Mr. LEHLBACH:

Q. Did Mr. Stockslager, the member of Congress from that district, take an i in getting this appropriation through?—A. I think he did.

Q. Did he ever have a conference with you?—A. I think I saw him once or

By Mr. FARQUHAR:

Q. Did your Senatorial colleague also assist, so far as you know, in this matte I think so. I know the committee was in conference with him, and I am not c but what he introduced something in the way of a bill in connection with th ject. My impression is that I suggested it would not do, and that we should firs a report from the Secretary of War.

Q. This appropriation, Senator, was for the designation of a certain amount of eral appropriation for improving the Ohio River, was it not?—A. I have t here; I see that the appropriation comes under the general caption, "Improv of the Ohio River."

Q. And its origination, of course, was in the Senate amendment?—A. Yes, si

Q. Now, Senator Harrison, during the whole progress of this designation of this part of the appropriation, did you at all times use your best endeavors on behalf of the people of Jeffersonville?—A. I did, sir; I supported it earnestly from the time it was first presented; first, I introduced the resolution I have already referred to, and waited for the report; that took some time, and when this correspondence, the estimates, and so forth, were sent in response to the resolution, I watched the progress of the bill; I introduced the amendment I have already referred to, and solicited an interview with the Committee on Commerce in the Senate; I made my statement before them; they agreed to pass the appropriation, and I looked after the bill when it came to the Senate from the House.

Q. And you knew of no attorney or outside party, apart from these committees and the persons you have spoken of here calling upon you, using any influence or endeavors or the presentation of any briefs in connection with this matter?—A. I have no knowledge of anything of that kind.

By Mr. CLEMENTS (acting chairman):

Q. Senator, is there any other fact material in this investigation which occurs to you?—A. I do not think of any. I have told the whole story as I know it.

By Mr. THOMPSON (counsel):

Q. Senator, do you know how far the people of Jeffersonville relied upon Mr. Warder to assist them in this matter?—A. I do not know what correspondence he may have had with them. As I said to you, I did not know Mr. Warder so well as I knew Mr. Stealey. I knew the latter very well, and he came to see me repeatedly. I conferred with him freely, knowing him to be the representative of a newspaper, and himself living there, and I told him whatever I thought could be done in the matter. I think I saw Mr. Warder more than once, but what his relations to this matter were I did not know.

Q. You do not know what these gentlemen did in regard to this matter, do you?—A. I do not.

Q. They undertook to give you all the assistance they could from the local community, did they not?—A. Never. The matter did not depend upon any outside assistance at all until we got that report, and that came through official channels.

Q. Do you know whether or not before that report was made the city expended something like $1,300 in having surveys, maps, &c., made?—A. I do not know about that. I know there was a great deal of interest manifested in the matter, but what they had done themselves I do not know.

Q. Do you know how the first proposition was presented to the House; whether or not just an individual bill was introduced to appropriate $75,000 to build a levee to protect the city of Jeffersonville?—A. Perhaps there is some reference made to it in the papers I had before me, but I have not looked that up. I had an impression, as I said before, that my colleague referred to having an amendment made to the bill, and I suggested to him the course which would have to be pursued before an appropriation could be secured. I do not know whether he actually introduced a resolution or bill. As I say, I simply suggested that the appropriation would not go through on that basis, and that we must have a report from the Secretary of War. As to the legislation at this end, I know nothing about it.

Q. Do you remember how the suggestion happened to be made to take this course? Was it made of your own motion, or did it arise from a suggestion in conversation with parties on the House side?—A. My impression is, and it is verified by the incident I have already mentioned, that it was done at my suggestion. When these gentlemen came to me they had the idea of going at it as a distinct proposition, and I stated to them that it would not go through in that way; that there must be a report from the Secretary of War, based upon an estimate, and hence this resolution.

Q. Did they come to you with a proposition that they would change the appropriation so as to base it upon the protection of the Government property at Jeffersonville?—A. They set out to get it through as an independent proposition. There was no estimate from any Government engineer at that time, as I recollect. There was no recommendation from a Department at all. I remember I said to them I thought our committee, at least, would insist upon something of that kind, and that no amount of influence, or argument, on our part would amount to anything unless there was a recommendation and estimate from the Department, and I adopted that course in furthering the appropriation.

Q. If I understand from the memoranda you filed here, this report was made simply upon your amendment introduced about the 20th of May?—A. The 1st of March, if I recollect the date. I think my resolution is referred to in that report. I have the date here. The Secretary of War stated, "to comply with a resolution of the Senate dated March 1, 1884." That is the date of my resolution, and the report of the Secretary came in on the 12th of May. I waited until the bill came from the House to introduce the amendment. At least it was the 20th of June when I introduced this amendment.

Q. Senator, did you not leave here shortly after that time to go to the Chicago convention?—A. When was the Chicago convention?

Q. The 23d of June, I think, or somewhere about that date.—A. Then I was back here before the date of this amendment. I was here on the 20th of June, certainly. I was for a time at the Chicago convention.

Q. You were away from here at least two weeks, were you not?—A. Yes, sir; about that time.

Q. Do you know whether Mr. Stockslager was absent from the House on leave about that same time?—A. I do not know whether he was or not. But nothing was done in that interval, because the proposition was not pending in the Senate until I came back; the bill was not considered by the committee until I came back.

Q. What would these other parties who were authorized to act do in the absence of yourself and Mr. Stockslager, if he were also absent?—A. I do not know.

By Mr. ELLIS (counsel):

Q. Do you remember proposing to Mr. Stealey or to Mr. Warder, or to both, or to either, that the form of the appropriation should be such that the Government should pay $25,000 of the $50,000 and the city of Jeffersonville the other half?—A. No, sir; I cannot say that was discussed, but it may have been. It never took any form of that kind.

Q. I know it did not, but I would thank you to study one moment and see if you do not remember that they consulted with other citizens at Jeffersonville to see whether that would be agreeable?—A. I do not think the proposition was discussed.

Q. May it not have been discussed?—A. It might have been. Anything might be possible that one does not recollect. It seems to me that there was some talk about the right of way, but I am not sure how that was finally settled.

Q. Do you remember stating to Mr. Warder or to Mr. Stealey, or to both, that every thought of a levee for the protection of private property must be abandoned in connection with the appropriation, because Senator Ransom, especially, of the committee would not consent to make any precedent of building a levee on private property?—A. I do recollect that, and the form of my proposition, and the way the committee put it, and that I suggested that as a proposition to protect a private town by a levee I did not think our committee would report it favorably. I told them that I thought the hole through which we would have to get the appropriation was that the Government had an immense quartermaster's depot there, which was cut off in times of flood from communication from the outside, and not a single store could be shipped, and that I thought the public interest would enable us to get the appropriation.

Q. Have you a copy of your original resolution or amendment?—A. I do not know of any other original than the one I have already introduced. If there was anything before this I do not know of it. I asked Colonel McKee, of our document room, to look up all the documents he had touching this subject. He handed me the papers I have referred to as I have put them in.

Q. How many times, Senator, do you think you saw Mr. Warder in connection with this matter?—A. I cannot say, Mr. Ellis; as I have already stated, I did not know Mr. Warder so well as Mr. Stealey.

Q. Do you remember seeing him and conversing with him?—A. I think I recollect seeing him once or more. I remember meeting Mr. Stealey frequently, because he was a newspaper man, and I knew him as a resident of Jeffersonville. I remember he told me that he was going away to inspect a railroad or something of that kind and after he returned he spoke with me concerning it. Even that is indistinct, but I have some recollection of it.

Q. Now, Senator, as to this suggestion of a Government work for the protection of Government property, did it not arise in your conversations with these gentlemen?—A. I think it came from my own suggestion, Mr. Ellis, and I may say in this connection that I was myself on record in the Senate as opposed to the passing of appropriations for the building of levees to protect private property on the Mississippi. Of course, when this proposition came up it at once raised that objection in my own mind, and unless it had something to do with the protection of public property I should be embarrassed myself in supporting the proposition. I think in the beginning I said to these gentlemen in the course of our talk that I had read in a letter of General Aiken, who was in charge of the depot at Jeffersonville at that time, a complaint of the inconvenience that the Government was put to in times of flood.

Q. You were not a member of the Senate Committee of Commerce, were you?—A. I was not.

Q. Do you remember what Senators composed the conference committee?—A. I gave the names a moment ago. I said Senators Ransom, Conger, and McMillan.

Q. Mr. Stealey requests me to ask you whether or not, say about the 20th of June you and he had a consultation in which you suggested to him that he should telegraph to Jeffersonville to know whether or not it would be acceptable to them to get $25,000 from the Government, and then put up $25,000 themselves, and do this

jointly?—A. I cannot say that I have any recollection of it. It may have been done. I had a talk with Mr. Stealey just before he went away, but whether in any such capacity as that I do not know.

Q. And whether he telegraphed this you do not know?—A. Of course, I cannot say that there was not some proposition of that kind.

Q. During the conference on the part of the committees on the disagreeing votes of the House, were you absent from the city?—A. No, sir.

Q. When did you go to Chicago?—A. I came back before I introduced this resolution. I knew who the Senate conferees were, and I spoke to them about saving our appropriation, and that was all.

Q. Then, during the time of the conference, you were here?—A. I must have been here.

The Chairman announced that the committee had no further evidence to introduce at this time.

Mr. ELLIS. I would like to ask permission of the committee to introduce our evidence in a way that we see proper; and we had some other witnesses we preferred putting on before we examined the parties. I would like to examine Mr. Goldbach.

SIMON GOLDBACH sworn and examined.

By Mr. THOMPSON:

Question. Are you a resident of the city of Jeffersonville?—Answer. I am, sir.

Q. What are you engaged in?—A. I retired from business about two years ago. I have been engaged in the boot and shoe business.

Q. Do you hold any position in any bank or manufacturing establishment?—A. I am a director and stockholder of the Ohio Falls Car Company and of the First National Bank.

Q. You are a man of means and property?—A. Well, yes, sir; to some extent.

Q. Were you one of the men that were selected and sent here by the common council of Jeffersonville on one of those visiting committees?—A. I was not. The Hon. Jonas G. Howard, our present member of Congress, was selected by the common council to come here with the committee. He sent for me one morning and told me that it was impossible for him to come, and asked me to come in his place, and after I saw he could not come I consented to come myself.

Q. You came as one of the committee?—A. Yes, sir.

Q. While you were here did you meet with Mr. Warder?—A. Yes, sir; we called on him.

Q. Were you directed to call on Mr. Warder and Mr. Stealey?—A. Yes, sir; before we left, Mr. Jonas Howard gave me instructions what to do and what to say.

Q. How long did you remain there?—A. About two weeks or fifteen days, I think.

Q. Were you one of the first or the second committee?—A. I was one of the second committee.

Q. What time did you come here?—A. Some time in April; the latter part of April.

Q. Now, Mr. Howard gave you instructions. What did he tell you to do?—He told me to call on Mr. Warder and Mr. Stealey, and tell them that we expected to place this matter in their hands and to give them our authority to employ counsel, or do anything they might think best in this matter. This I told them as the instructions from the Hon. Jonas G. Howard.

Q. He directed you, then, to get counsel and to employ an attorney?—A. And told me that he gave them authority to do so.

Q. Did you so tell them?—A. I so told them.

Q. Did you tell them what was to be paid?—A. I told them that money would be no object; and that I would be personally responsible to Mr. Warder for the money.

Q. You are a man of property there in Jeffersonville?—A. Enough to the extent of my promises.

Q. When you returned to Jeffersonville did Mr. Warder communicate with you in regard to this matter and notify you what he had done?—A. He did, sir. I received a letter from him stating that he had employed an attorney to attend to this matter; that he had made a contract to pay $250 as a retainer fee and $1,000 after the bill passed and became law. I took that letter to Mr. Howard and to Mr. Read, and called their attention to it. I cannot tell whether it was Mr. Howard or Mr. Read, his partner, I showed the letter to. They told me that they had seen a letter of that kind, and that action would be taken on it by the council or by the levee committee.

Q. Well, do you know whether or not Mr. Warder paid out that money?—A. He said that he had engaged an attorney and paid him $250 as a retainer fee. I took it for granted that he paid it.

Mr. ELLIS. Have you got Mr. Warder's letter?—A. No, sir; I have never kept letters since I have been out of business.

Q. You did not keep a copy of it?—A. No, sir.

By Mr. THOMPSON:

Q. Now, when Mr. Warder came back, did he say anything to you whether he had any receipts from the attorney, or anything of that kind?—A. When Mr. Warder came back from Washington, I think it was after I came back from the Democratic convention, I met Mr. Warder and spoke to him about the matter.

Mr. STONE. It seems to me that it is hardly proper testimony as to what Mr. Warder may have said to this witness about the receipts he had shown him.

Mr. THOMPSON. We will show these receipts; we merely want to show that this matter was known at the time, and that there was no secret about it.

Mr. ELLIS. The conversation of an accused party can be accepted and his declarations may be given against him.

Mr. THOMPSON. If it is considered incompetent I will not ask it.

Q. Just state, then, how it came up, and if there was anything said.—A. He said that it had been charged that he kept the money which the city sent to him.

The CHAIRMAN. When was that statement made?

The WITNESS. In July, 1884; and he said, "Now, Mr. Goldbach, you have been to Washington and instructed me to employ an attorney, and I do not like all that." He had two receipts, one for $250 and one for $1,000.

By the CHAIRMAN:

Q. Have you got those receipts?—A. No, sir.

Q. He showed you the papers that purported to be receipts?—A. Yes, sir.

By Mr. STONE:

Q. Signed by whom?—A. I do not recollect that; it is so long ago that I cannot recollect that.

By Mr. STORM:

Q. Were you on the first or second committee that came here?—A. On the second committee.

Q. About what time in the month was it?—A. Some time in the latter part of April, 1884.

Q. Do you know if you or any of your committee that came with you went to see the members of the Committee on Rivers and Harbors, or members of the House or the Senate?—A. I called on them with Mr. Clark. I only saw Mr. Willis, of the House.

Q. Who did you see in the Senate?—A. Senator Harrison and Senator Voorhees both.

Q. Was anything done by any of the other parties in the way of seeing the members during the time that you were here that you know of?—A. Only Mr. Warder and Mr. Stealey; I do not know of anybody else. Our Representative, Mr. Stockslager, was not here. When I came here he was here about a day, and left, and did not come back until after I had gone. He was looking after his campaign.

Q. Did you make a report of your proceedings when you returned?—A. When I returned I went to the first council meeting that they held. We presented our bill for our expenses—$300—and after presenting the bill, sat down next to the honorable mayor. The bill was read and referred, and we expected that the honorable mayor would call on us to make a report. We sat there, and in place of that a motion was made for adjournment without asking us to report.

Q. How and when was your bill for expenses here paid?—A. I returned in May, and the bill was presented to the council at the first or second meeting in May.

Q. Then in the May following the time you were here in April your bill was paid?—A. I came in April; that bill was presented on my return, and it was not paid. It has been paid since by order of the common council.

Q. Was the mayor of the city present when the order was made?—A. Yes, sir; when my order was made.

By Mr. BLANCHARD:

Q. You came here with that committee in the early part of April?—A. No, sir; in the latter part of April.

Q. Why did not that committee come before the House Committee on Rivers and Harbors?—A. I can explain that. When Mr. Warder introduced me to Mr. Willis he remarked, as far as I could understand, that the committee had already closed up the river and harbor bill; but if we insisted on it he would call the committee together; but he thought that we had better let the matter go and call it up in the Senate.

Q. You never came before the Committee on Rivers and Harbors?—A. No, sir.

Q. That was the first committee?—A. It was the second committee.

Q. When did the first committee come?—A. Some time earlier: soon after or just as soon as the flood had gone down.

Q. Did you state who had those receipts when they were exhibited to you?—A. Mr. Warder had them.

Q. You read them?—A. Well, I looked at them and saw that they were receipts. I saw the $250 on the top, I believe.

Q. Did you notice the signature of these receipts?—A. I did; but I have forgotten what it was.

Q. Have you ever heard who got that money?—A. I read the signature; but I can not recollect it.

Q. Have you never heard it talked about who the man was who got the money?—A. No; I do not know that I have ever heard it talked about.

Q. Did you never hear, apart from these receipts, who the party was?—A. I have not heard otherwise.

Q. You say you saw his name to those receipts, but you do not remember his name. Now, I ask you, outside of these receipts, did you never hear what that party's name was?—A. I never had any occasion to hear it since.

Q. You do not remember what his name was?—A. I cannot remember what the name was. I know it was a short name; but I cannot remember it.

Q. While that committee was here of which you were a member, did you authorize Mr. Warder to employ counsel?—A. I delivered that instruction which I had received before I left.

Q. Did he say he would employ counsel?—A. He said he would see.

Q. Did he mention then any counsel that he would employ?—A. No, sir; there was no occasion to do it then. After we stayed here that length of time, fourteen or fifteen days, Mr. Clark and I concluded we would go home, as we found that we could only eat and drink and look at the Congressmen. [Laughter.]

Q. Then you never saw any other member of the Rivers and Harbors Committee except Mr. Willis?—A. That is all.

Q. And no one in the Senate except the two Senators?—A. That is all.

Q. Have you not stated here that you charged the city nothing?—A. But the expenses; and less than we spent.

Q. Did you not get your share of the $300?—A. If they had given me my expenses, I will say that they would have had to give me about $75 more. [Laughter.]

Q. You were having a good time in Washington?—A. I was having a good time. I have a good time at home and any place where I go.

By Mr. FARQUHAR:

Q. How many receipts did Mr. Warder show you?—A. There were two receipts.

Q. One for how much?—A. One for $250 and one for $1,000.

Q. Both signed by the same man?—A. Yes, sir.

Q. Was it common writing paper?—A. That is my impression. It was common paper.

Q. Any bill heads?—A. I do not remember that there were.

Q. When did you see these receipts?—A. Some time in July, 1884.

Q. That was after Mr. Warder returned from Chicago?—A. From Washington.

Q. And both receipts were signed by the same man, and it was a short name so far as you recollect?—A. It was a short name as far as I recollect.

Q. How many letters, or was one name signed out in full or simply had the initials P. Q, or whatever it might have been?—A. I cannot remember the signature.

Q. Do you know Mr. Warder's handwriting?—A. I do, sir.

Q. Was it in his handwriting?—A. No, sir.

Q. Do you know Mr. Stealey's handwriting?—A. Yes, sir.

Q. Was it in his handwriting?—A. No, sir.

Q. Your only recollection is that it is a short name?—A. That is my impression.

By Mr. LEHLBACH:

Q. You were not appointed by the common council as a member of the committee to come down here, were you?—A. I was appointed by Hon. Jonas G. Howard, who was appointed by the council. I was a substitute for Mr. Howard.

Q. Was there any objection on the part of any citizens to your coming here on that committee?—A. I do not know of any citizens objecting. A great many people get jealous when they see somebody taking a trip at the expense of the city. [Laughter.]

Q. You came down here and made arrangements with Mr. Warder to employ an attorney to take charge of this case, I believe you said?—A. If necessary.

Q. Had the committee of which the honorable Mr. Howard was a member any authority to employ counsel? Was not it the committee that was appointed weeks afterwards that had that authority?—A. At that time we did not care if the people did not pay a cent. We wanted the levee. We did not depend upon the city of Jeffersonville to get the money. All we wanted was the levee, and if the city did not pay for it we would pay for it individually.

Q. Well, you charged the city $300, you and another member, for having a good time?—A. We had a good time, I assure you.

Q. Did you read Mr. Warder's letter, or hear it read, a few weeks afterwards, the one addressed to Shuler, after you had been to Washington. The letter in which it has been stated here by the witnesses that it was useless to spend any more money on committees, and that he advised the employment or had already employed an attorney?—A. I have already answered that question, when I was examined. I have said that I received a letter stating to me that he had employed an attorney for $250 as a retainer and $1,000 when the bill was signed. I took the letter and called on Mr. Howard or his partner and they told me they had heard of another letter of that kind.

Q. Was that letter addressed to you or Mr. Shuler?—A. To me. When Mr. Howard or his partner told me they had seen a letter like that and that the council would take action on the letter that day or next day I let the letter I had go.

By Mr. ELLIS:

Q. How long was the committee of which you were a member here in Washington?—A. May be two weeks, fourteen or fifteen or twelve days, anywhere about two weeks.

Q. How many were on that committee?—A. Two of us. Mr. Clark and myself.

Q. And the city reimbursed you $300 for your expenses?—A. Yes, sir.

Q. What was the fare between Jeffersonville and this city?—A. I paid, I believe, $17.50, and our sleeper and meals, or about $50 each, going and coming; about $100 traveling expenses, and the balance was about $200 for two for fifteen days. It about paid for my cigars.

Q. That would make your expenses here, the two of you, during the fifteen days, about $100 each?—A. Yes, sir.

Q. You do not regard that as very riotous, do you?—A. We did not live in first-class style either.

JONAS G. HOWARD sworn and examined.

By Mr. THOMPSON:

Question. You are at present a member of Congress?—Answer. Yes, sir.

Q. You live in Jeffersonville?—A. Yes, sir.

Q. Are you a property owner there?—A. Yes, sir.

Q. To what extent, Mr. Howard, in round numbers?—A. Well, so far as the city is concerned, I do not think I have over $25,000 worth of property in it. Of course my property is outside the city, but near it.

Q. Are you a large taxpayer in Jeffersonville?—A. I think I pay the city on about $25,000. The largest amount of my property is outside of the corporation.

Q. Well, Mr. Howard, you were on the first visiting committee here?—A. Yes, sir.

Q. You came here at the instance of the common council?—A. Yes, sir.

Q. They paid your expenses in part, I suppose, to come?—A. Yes, sir; they paid about fifty some odd dollars.

Q. That was when?—A. That was the latter part of February. I think I left here on the 3d of March to go home.

Q. Did you come back or were you solicited to come back?—A. Well, yes; they appointed the second committee, but my business was such that I could not leave it and I declined to come.

Q. Did you send anybody in your place?—A. I requested that they send a more suitable man for that sort of business, one better adapted to it than myself, and I suggested that Mr. Goldbach had better come, if he would. I sent for him, I think, and made an arrangement for him to come. It was with the consent of the other parties.

Q. Did you give him any instructions when he came here?—A. We that had been managing the matter undertook to make some suggestions as to what course they had better take, and we came to the conclusion that instead of sending committees the most efficient way to get it was to employ somebody here that could look after the matter and give it their undivided attention. I did not know what method to use, but our thought that one who made it a special matter could look after it best, as what is everybody's business is nobody's business. And I so directed Goldbach to see these boys and the propriety, if they thought necessary, of getting any person to assist, and if they concluded to do so we would bear the expense. And I will state further, that so far as I was individually concerned, I had not much faith in the success of the enterprise. When we first came here I believed that with the flood extending from the head waters in the Alleghanies to the Gulf of Mexico, unless we could establish that the Government property needed the protection it would be a useless attempt; and when the people got up a memorial to Congress on the ground that their suffering was great, and so on, I told them that it would not do, and that the Government had to move in the matter originally and to be put in the front, or we would get no appropriation. There was, therefore, nothing done to present it to members of Congress.

The CHAIRMAN. We do not want to go on with that.

By Mr. THOMPSON:

After that, Mr. Howard, did you become a candidate for Congress?—A. I think s then. I left here on the 3d of March, and about the 5th or the 6th I became a didate.

And you were actively engaged in making the race. Who was your opponent?—Ir. Stockslager and five or six others. Mr. Stockslager was the incumbent.

After that time, Mr. Howard, tell the committee here something about the raisof that $1,000. I believe you were on the note?—A. Well, notice came to me some one—Shuler, or somebody else—that they had received a letter from Mr. der that they would need some money, and I think they either told me what was e letter or read it, stating the fact that the money was wanted. After thinking matter over, I advised them to send the money. I came to that conclusion pretty k. I think that there was some effort—I do not recollect about that, as I was all time absent about my own business—but I think I learned that there was going a meeting of the council, and I was invited to meet with the council, or to meet some members and some citizens and consult about the matter. I think that ce came to me by Judge Jewett, who was the city attorney, that they wanted to ult a little. I went there, but I do not recollect who were present. I recollect ge Jewett was there and some members of the council, and that the letter in queswas read. I do not remember whether I saw the letter or heard it read, as I was in getting in, but I knew the substance of it.

You helped to raise that money, the $1,000 or the $1,250?—A. I advised them to it, and thought it was necessary to do so. Afterwards a note was presented to and I either signed it as a surety or as a principal; I do not remember which. I the impression that some one or other of the signers brought it to me, and that I ipied the position of surety on it; but I was willing to pay my proportion of it, advised that the money be sent; and if I had not advised it the money would have been sent. It was sent here for the purpose alleged in the letter, that they ted it to employ a man here to assist in getting it through.

Were they counsel, lawyers, or what?—A. I do not know; I thought some law- to give an opinion upon what was thought best to do in the matter, or some men were not lawyers, who knew how to manage a scheme of that kind. That would sy judgment, without ever having been here or had any legislative experience.

What was that money to be used for, any illegal or unlawful purpose?—A. Of se not.

Was it open and notoriously known there?—A. I was attending to my own busi-, but it was understood by me that it was no secret, and my advice always was to l the money.

And at that time you were a candidate for Congress?—A. Yes, we were in the t. I was nominated on the 15th of May.

Then it was after you were nominated that the money was sent?—A. Yes, sir; committee that Goldbach was on was here before I put my name on the note.

You raised the money after you were a candidate?—A. I think the money was raised until some time in July.

Now, Mr. Howard, you came here first to Washington in the capacity of a visitcommittee?—A. Yes, sir.

Did your experience here cause you to advise the employment of counsel in this ter who would give it special attention?—A. Well, sir, I should do that now after experience here. I would want somebody to look after it.

The time having arrived at which the room was required for another committee, examination was stopped, and the committee went into executive session, which continued in another committee-room after a short recess.)

F. WARDER sworn and examined.

By Mr. ELLIS:

Question. What is your name?—Answer. Luther F. Warder.

Q. How old are you?—A. Forty-five.

Q. A native of what place?—A. I am a native of Fleming County, Kentucky.

Q. What is your present residence?—A. Jeffersonville, Ind.

Q. How long have you lived there?—A. I have lived there for sixteen years.

Q. Are you married?—A. Yes, sir.

Q. Where does your family reside?—A. At Jeffersonville.

Q. Have you held any public positions in Jeffersonville?—A. Yes, sir.

Q. Which ones?—A. I have been councilman and mayor.

Q. How long were you mayor?—A. I was mayor eight years.

Q. How long were you a member of the council?—A. I think four years.

Q. Any other positions?—A. No other official position.

Q. When did you first come here in the public employ?—A. I came here, I think,

having gone through the one of 1883, I knew what the situation was, and fe
deep interest in the matter; and about the first agitation of trying to secu
propriation was brought to me by the committee who came here. Mr. Ho
this morning it was about the last of February, and I suppose it was about t
Of course, when they came here, everything was heads and tails, and nobo
how to proceed about it, and their visit amounted to nothing but consultatio
with Members and Senators. The last of April, perhaps, or the 1st of May,
committee came, consisting of Mr. Goldbach and Mr. Clark. I had not b
during this time either. I had been talking the matter up whenever occa
quired it.

Q. Right there; what made you feel such a deep interest in the matter?
cause I had a personal interest; my family and children, and my property, a
thing I had in the world, were in the city of Jeffersonville. And because, fu
result of the flood of 1884 was so disastrous to our community that it seem
the city government would almost have to be abandoned. The manufactori
which we had to depend upon for our prosperity, had all been washed or
out; our property had no value, and everything was gloomy. I felt a pen
terest in the town, as much so as man could in anything in the world. I hav
there, a great many, and I am always a friend to the neighborhood in whi
These gentlemen, Goldbach and Clark, came here and stayed here a week or
still nothing was accomplished beyond the fact that efforts were being mad
recommendations by Government officials at Jeffersonville and the engineer
Merrill, in order to get an official statement from the Government official
mending this matter. The idea seemed to be in all consultations that I
anybody that it must come in that way, if we were to get the levee. W
gentlemen got tired and concluded to go home. I was receiving letters f
corresponding with other citizens about the matter, who were urging it. I
bach told me when he first came here what his mission was and what he
thorized to do. I am going to be brief about this, because the whole gist tu
the money that was sent here and passed through my hands. In my gener
ment I will be as brief as possible. I had up to that time had some conv
with Senator Harrison, I do not know how many, about the matter, to the b
knowledge, from first to last, more than half a dozen times, perhaps a dozen

Q. On this subject?—A. Yes, sir; and with Senator Voorhees about as ma
Mr. Stockslager was absent from here more than a month, I should judge.

Q. Who was he?—A. My Member. He introduced a bill in the House, w
referred to the Committee on Rivers and Harbors. Having authority from I
bach, I employed an attorney to advise and assist and counsel and aid in the
ment of this appropriation, and with him I consulted very frequently.

Q. Was he a resident of this city?—A. He was a resident of this city.
is Hill. I think it is E. N. or E. W. Hill. Now, I want to state here the r
one of the reasons, why I employed Mr. Hill. I had become acquainted
around the House. I saw him frequently about the House there, often be
gress met, and that he was associating around with members of Congress, an
up a talking acquaintance. It was just on the eve of a political National

aid, if necessary, in presenting the matter before the different committees, if efore the committees. To present proof if it was necessary, or to make argu- Whatever was necessary for an attorney to do was my understanding of what to do.

as there any thought in employing him of corrupting anybody?—A. None in ld. Never had such a thought entered my mind.

as there ever a suggestion of the kind?—A. Never by any man living, to me me.

as there any member of either the Committee on Rivers and Harbors of the r the Committee on Commerce in the Senate, that you or he desired to ap- or who could be approached with money?—A. No, sir. And I desire to say ere, that it was through his advice that I concluded, nowithstanding that we omoting the appropriation in a quiet way, to get that amendment tacked on enate, to try it in both ends of the Capitol. I spoke to Mr. Willis several out this matter, and he also expressed great willingness to aid us, and about I employed this man I had a notion to make an effort in the Committee on and Harbors; but he advised me not to do so, that that was not the place to d that the Rivers and Harbors Committee never would do it.

LANCHARD. Who advised you—your attorney?

ITNESS. Yes, sir. I knew that Mr. Stockslager's bill was still in there and ed to get them at it and looked for him back in time to get it started in both necessary. But upon the advice of my counsel I abandoned any sort of idea ing it in the House, or going to the Committee on Rivers and Harbors, and I id go there and never made any effort there in any way, shape, or form.

y Mr. ELLIS:

hen you employed this man did you inform anybody about it?—A. Oh, yes; ed everybody at home about it. I informed Mr. Goldbach and Mr. Shuler had done. Now another thing; about the time that I made this employment to that time, I had never considered the city council as having anything to do About the time that I made the employment I received a letter from Mr. uler stating the fact that a committee of the council (a levee committee) had pointed; that they had held a meeting, and that he had been directed to com- e with myself and Mr. Stealey and ask our continued aid and efforts in behalf ppropriation; also asking my advice whether I thought it would be necessary any other committees, and if so, asking me to suggest who to send, and so He wrote as secretary of this committee. I wrote to him in answer to that and ntlemen who I cannot remember. I advised him not to send any more com- ; it was a useless expenditure of money. They could spend $2,000 here and mplish anything. I told him that I had employed an attorney, whose coun- s receiving. I perhaps wrote to Mr. Howard and Mr. Read and other wealthy ing men—men who controlled the interests and destiny of the city. That is s of men I communicated with. Now this is the first I knew that the city was ask an appropriation and to incur any expense at all. Mr. Shuler answered aying that my action was approved by the committee and was perfectly satis- They took charge of it, and my correspondence went on with Mr. Shuler.

here is Mr. Hill?—A. Well, Mr. Hill has an office, he told me, in the Glover g. That, I think, is on F street.

d you take receipts from him?—A. I did.

here are they, sir?—A. I gave them to you sometime ago, two or three weeks have not seen them since.

S. M. STOCKSLAGER, who appeared before the committee of his own motion, purpose of making a statement, was permitted to make it at once. Being he said:

e at Corydon, Ind., and was a member of the last Congress, from what is known New Albany district, in which the city of Jeffersonville is located. I come be- e committee simply because I had an intimation that some witness had testi- fore the committee (I do not know the name of the witness), and either himself upon his authority or that he understood that that was the case, that I was st the appropriation. It is simply for the purpose of clearing up any such im- ion in the minds of the committee or any one else that I am here to-day. I sup- that at the time no one——

. THOMPSON. I do not think any such statement was made.

. BLANCHARD. I did not understand that Mr. Stockslager was opposed to it.

. WARDER. Mr. Glass said that he understood that I had said that Mr. Stock- r was opposed to this bill, which I pronounce absolutely false.

. STOCKSLAGER. There is such a statement before the committee, and that is all has brought me here.

Mr. WARDER. He said I had written that in my letter which had been read at the informal meeting of the council.

Mr. BLANCHARD. The bill which you introduced would show your position if any-thing had been said which might have led the committee to suppose you were opposed to such a measure.

Mr. STOCKSLAGER. If there is no such impression before the committee I do not want to detail the part I have taken in favor of the measure.

Incidentally something has been said about my absence; that I was absent at that time. The committee that was first sent on here to look after the matter, composed of Mr. Howard, Mr. Fogg, and Mr. Clark, came to my room and had a full consultation in regard to the matter, and I went with them to Judge Holman's room in the Hamilton House, and we had a consultation with him also. It was determined that we should see Mr. Willis, Senator Voorhees, and Senator Harrison also in regard to the matter. After consultation with Mr. Willis, who informed me that the Committee on Rivers and Harbors of the House had adopted a rule that they would not favor any appropriation except such as directly benefited navigation, and that therefore the probabilities were that they would not report in favor of a measure of that kind, it was agreed with Senator Voorhees that they would not favor any project in the Senate. There was a full agreement as to that. Of course, before the period arrived there was other work; there was a survey to be made. The survey was made, and a map ator Harrison caused the survey to be made. The survey was made, and a map nished by the Chief of Engineers, which was too large and had to be returned reduced, causing a very great deal of delay about the matter. I felt myself time that it was not entirely clear, but that there should be some effort made House, notwithstanding the fact that the Committee on Rivers and Harbor not favor a bill of that kind. When the amendment was adopted in the Sen after it was voted on, I saw the members of the committee on conferen House, who were appointed to meet the conferees of the Senate, composed of man and two others, either Mr. Blanchard or Mr. Breckinridge—

Mr. STOCKSLAGER. Mr. Henderson and Mr. Willis.

Mr. BLANCHARD. And urged them to agree to it; and I believe they themselves as being willing to do so. Now, as to my absence. I was five or six days, and during that time the river and harbor bill was not House. I was in Brooklyn, on the committee to investigate the pur for a public building in the city of Brooklyn. My absence from the looking after nothing but the interest of the House, on the order of the gating that question in Brooklyn. We were away about a week.

Mr. WARDER. Mention of it was made by Mr. Goldbach.

Mr. STOCKSLAGER. Mr. Goldbach came here subsequently as a me committee, and I had a consultation with him. That is about all It was simply to remove any impression that I was not favorab because I take much interest in, and never neglected any of the people.

By Mr. BAYNE:

Q. You attended to this matter in the conference committee principal members of the Rivers and Harbors Committee in sulted with no considerable number of members, I think. I man, who told me about the rule they had adopted, under not be favorably considered, because it was not claimed interest of navigation.

Q. Did you meet any of the local committees from Jeff met them. The second committee which came on here I about meeting them. I know that I met Mr. Goldbach, in getting the report of the survey and the map from th curing this appropriation. I knew noth

Q. Do you know anything about the appropriation?—A. No, sir; I did not.

Q. Did you hear any intimation or insinuations t secure this appropriation?—A. No, sir; I did not.

Q. Had you seen Senator Harrison and Senator V ter?—A. I am sure I saw Senator Harrison, and I I think the committee which came on here first, c and Mr. Clark, perhaps saw him on the question ward I saw Senator Harrison the next day, and Do you know anything about the employm ut the employments of any one exce bout their employment. ity for the e know

drafted by Senator Harrison, and after it was adopted by the Senate of course there was nothing to do on the part of the House but for the conferees to agree to it.

By Mr. FARQUHAR:

Q. Do you know this Mr. Hill, that presumed attorney in this case?—A. I do not know whether I do or not. I never heard of him until I heard Mr. Warder speak of him.

Q. You have no recollection of being consulted with or consulting with him?—A. Oh, no, sir.

Q. As far as you know, you have never had any consultation with any such person?—A. No, sir; I do not, that I remember of. I want to state again that my only purpose here was because I understood of this intimation that had been made by some one that I was not friendly to this appropriation, which I wished to correct.

L. F. WARDER, examination renewed:

Mr. Ellis handed the two receipts to Mr. Warder, who read as follows:

Received, Washington, D. C., May 13, 1884, of L. F. Warder $250 as a retaining fee for advice and assistance in regard to the Jeffersonville levee appropriation.

E. N. HILL.
Attorney at Law.

By Mr. ELLIS:

Q. This was given you at the time you paid the $250?—A. Yes, sir.

Q. Where has that receipt been, sir, since?—A. That receipt has been in my house from the time I went home in July, 1884, until within the last two or three weeks.

Q. Now, the second one?

WASHINGTON D. C., *July* 7, 1884.

Received of L. F. Warder $1,000 in full for professional services and advice given to aid him in securing an appropriation for $50,000 to construct a levee for the protection of the city of Jeffersonville, Ind., from the floods of the Ohio River.

E. N. HILL,
Attorney at Law.

Mr. ELLIS. I want to make a statement in regard to this receipt. Its mutilated appearance is my fault. It was as perfect as the other when I first received it, and I tore it accidentally and have plastered it together.

Q. When did Mr. Hill give you that receipt?—A. When he says in the receipt.

Q. Where has that receipt been?—A. That receipt has been in my residence among my valuable papers from the time I arrived home on the 7th, 8th, 9th, or 10th of July, 1884, until the last three weeks.

Q. Well, what other papers did you receive with them?—A. I had some papers with them that my wife sent me with these receipts. And I wrote to Mr. Goldbach to get a certified copy of some of those proceedings that were read from the record.

Mr. ELLIS (showing a letter). That you recognize as a letter you received from Mr. Shuler?—A. Yes, sir.

Mr. ELLIS. It has no date, Mr. Warder. It is offered for whatever it is worth.

Hon. L. F. WARDER,
Assistant Doorkeeper of the House, Washington, D. C.:

DEAR SIR: At the last meeting of council a resolution thanking you for your effort and great interest you have shown towards this city in securing an appropriation was passed and forwarded to you by clerk Burlingame.

The following committee were also appointed on levee, viz: Drs. W. D. Fouts, T. A. Graham, A. O. Shuler, and F. A. Young.

At a meeting of the council held June 5, 1884, the following action was taken:

(1) The committee believing that you can do more than any party or parties that we can send from here, desires your hearty co-operation in securing this appropriation.

(2) Do you think it practicable or to the interest of the city to send a committee of one or two to assist you in securing this appropriation?

(3) If you think it practicable to send a committee from here, how many, and when shall they come?

(4) Whom, in your judgment, should we send, if any?

The committee expects to hear from you by return mail, and hopes to have the benefit of your advice in the matter.

Very truly yours,

A. O. SHULER,
Secretary Committee on Levee.

P. S.—The committee addresses you personally as we know Mr. Stealey is in Chicago.

A. O. S.

came from Jeffersonville went to anybody except to this gentleman who ployed?—A. I do, sir; unqualifiedly.

Q. And that every dollar that you received from there did go to him? dollar I received from there did go to him.

Q. Did you confer with Mr. Stealey at the same time about this appro A. Yes, sir.

Q. Then you had some conference with him?—A. Yes, sir; every time we were together maybe halfa dozen times a day, if we met that often.

Q. Did you notify Mr. Stealey of your employment of this lawyer?—A.

Q. Did he ratify it?—A. Yes; Mr. Stealey was called away from here about that time. I think he made two trips to the National Conventions He was away a good deal about that time.

Q. Was all this money from Jeffersonville sent to you?—A. No, sir.

Q. Who was it sent to?—A. At the date of the first receipt when I clos tract with Mr. Hill for his employment, I wrote to Mr. Goldback the nex ing him what I had done. I borrowed $250 from Mr. Stealey and paid M took his receipt. The date of the receipt is the day I paid him, and when communicated with me that my action was indorsed, and the money wo to my order, I wrote Mr. Shuler directing him to send $250 to Mr. Steal burse him for the money I borrowed from him to pay the attorney.

Q. How about the $1,000 payment?—A. I want to put myself right on was said to be a copy of a dispatch that I sent has been filed here with th Is that paper here?

Q. I presume it is.

The clerk of the committee stated that the paper called for had gone to

The WITNESS. I can state it substantially. I do not know whether th a copy of the dispatch I sent. I presume it is. The language of this c member it from hearing it read here, it being addressed to Mr. Shuler, this: "Send me draft; it is all right; I do not want to be detained here, not disburse the money until the bill is signed and becomes a law." Now t here in these charges without an explanation sounds a little odd, and of language needs an explanation. I wanted to go to the Chicago Conventi of that dispatch, whatever it is, for I remember the circumstance distinct the day that hope dawned on our efforts—and I wish you would call my n very point when I get through making this statement, because I want to say in reference to what Senator Harrison has said in regard to my side of thi That dispatch, I think, was dated the 2d or 3d of July. I recollect that M for me at the north door of the House, and when I saw him he said, "It i it has been put on in the Senate." At that time the adjournment of Congr pected every day. My object in sending that dispatch was to have Mr. S the money here so that I could pay this man and not be detained in this ci if we adjourned Saturday night or Sunday night I intended to go to Ch some friends. I said in the dispatch that I would not pay the money until the a law. That was one of the conditions of the employment of this gentlem conversed and talked the whole matter over. The river and harbor bill

it would be put on the bill, and I think I can come pretty near his language in rence to the matter. There was one member of the subcommittee who was op- ed to it, and I think he named Mr. Ransom as the member. He spoke of him as g opposed to putting on anything in that bill for levees. I saw Mr. Hill that ning and told him of the danger; that it looked like we were going to fail. He the man who suggested to me the offering of an amendment for the protection of ernment property and improvement of navigation, and I went to Senator Harri- s committee-room the next morning and waited until he came there to give him the which I got from this man, that is, not to put in the amendment for a levee at erson ville, but for the improvement of navigation and the protection of the Gov- ent property there, and leaving out the word "levee" altogether. I think that day or the day following was the time that Mr. Hill came to me and told me it was all right; that they had agreed to it in committee.

Mr. Warder, were you ever asked by Senator Harrison if it would be agreeable he council and people of Jeffersonville if the Government would appropriate one- of the $50,000 and they to pay the other $25,000?—A. Not by him. Mr. Stealey e into the lobby and told me that he had had a conference with Senator Har- n, and that Senator Harrison thought the best way to secure the appropriation for the city to provide $25,000 and the Government to add $25,000 to it, and that plan would be more agreeable to the committee. Well, that did not strike me favorably, and I asked Mr. Stealey what he telegraphed. I believe he said he telegraphed Mr. Shuler or somebody in reference to the proposition. Later in the —I believe that night, though I will not be certain of it—I saw Mr. Hill and told of this proposition. He took the same view that I did, and said it was perfectly osterous, because if we could get $25,000 we could get $50,000. Then I hunted Stealey up and had him send another dispatch, withdrawing that proposition.

Mr. CLEMENTS (acting chairman):

. Mr. Warder, you spoke of Mr. Hill suggesting to you the propriety of trying et this amendment put on in the Senate?—A. He advised me that was the only e we had.

. About what time was that?—A. That was along in May sometime.

. Was it after the House bill had gone to the Senate?—A. No, sir.

. Before that?—A. A long time before that. It was before the River and Harbor mmittee reported their bill to the House in May.

. You spoke about Mr. Harrison being opposed to the bill?—A. I said that Sena- Harrison informed me that one of the members of the sub-committee was opposed doing this.

. When was that?—A. That was along about the 1st of July.

. That was after the House bill had gone to the Senate?—A. That was while it being considered in the Committee on Commerce of the Senate.

. When was the idea first suggested and by whom, that instead of getting a rate appropriation in the bill that simply an amendment should be inserted in bill apportioning part of the Ohio River appropriation for this Jeffersonville im- ement?—A. I do not remember who suggested that first. It was a matter that a subject of conversation almost daily with all my friends whom I met and d with, and I do not remember who suggested it although it was very frequently d over.

Was that plan adopted by you before the House bill went to the Senate or after- s?—A. Oh, this plan was adopted early. I believe Mr. Hill was the first man I ever heard suggest that proposition, and the basing of the appropriation ex- ely on the protection of Government property. That was about the last of Feb- or early in March.

Now, as to the payment of this money, did Mr. Stealey have anything to do with ployment of Mr. Hill?—A. I do not think he was present at the time. I do member positively whether he was or not. He knew of the employment, how-

d he have anything to do with the payment of the money except as you have —A. None whatever. Mr. Stealey was in Chicago when the last money was e.

hat did Mr. Hill do?—A. Well, he was an attorney, and I think wrote for ers and periodicals, monthly magazines, &c.

t did he do in connection with the securing of this appropriation, the in- f this amendment in the bill?—A. Well, sir; I have stated that two or three have said that he gave me advice as counsel and assisted in that way.

he do anything else that you know of?—A. Not that I know of. He may d with Senators and Representatives for all I know. I do not know as to

did you receive the $1,000 sent here?—A. I received it by telegraph money

Q. What did you do with that?—A. That I think came here on July 5, on a Sunday; I got the money and paid it to Mr. Hill.

Q. How did you get the money on it: did you have it cashed?—A. The telegraph office gave me a check on Riggs & Co., bankers. The check or draft was cashed, and that was I got the money. This last transaction occurred at a time when everything was in a turmoil. We were very busy as we were just on the eve of adjournment here, and I remember going down to the office and getting the check and being in a great hurry to get back here.

Q. In a hurry to get to what office?—A. Down to the telegraph office; down on the corner of Pennsylvania and F streets.

Q. That money order was drawn by Mr. Shuler, was it?—A. Yes, sir.

Q. In what was it drawn?—A. Well, I don't know; the money was sent by Mr. Shuler. I knew it came in telegraph. It was what is called a telegraph money order. It was a transaction that I never had before in my life. The telegraph office notified me that there was an important message for me, and I went there and they gave me a check or money or draft on Riggs & Co.'s bank.

Q. And you knew the money on that?—A. I did.

Q. Did you pay all of that thousand dollars into the hands of Mr. Hill?—A. I did, sir.

By Mr. Stone:

Q. Mr. Vardon, about when was it that Mr. Goldbach came here?—A. I forget exactly about the last of April or the first of May. I think, to the best of my recollection, the last of April.

Q. Was that the first time anybody gave you authority to employ counsel?—A. Yes, sir.

Q. And mainly on the strength of what you have stated you took the responsibility of employing counsel?—A. It was.

Q. Had you known Mr. Hill up to the time Mr. Goldbach came here?—A. I had known Mr. Hill sometime before that; quite a time; three months or so. I don't know exactly how long.

Q. I am say he has an office in what building?—A. At that time he had an office on F street just below Thirteenth. I saw him here last Saturday, I believe it was, and he told me his office was in the Glover building.

Q. Had he been in the habit of practicing before committees of Congress and urging matters before them?—A. I don't know about that, Mr. Stone. He told me he had studied this levee question and been engaged in it for some time.

Q. When did he tell you that?—A. During our conversations.

Q. Were you upon any terms of intimacy with this gentleman?—A. No, sir.

Q. You simply knew him casually?—A. I simply knew him casually, and knew him to have more knowledge on that sort of business than any man I had talked to.

Q. Had you ever talked with him about it before you engaged him?—A. I probably had.

Q. You had discussed this levee question before that, had you?—A. Yes; before that, and I think that is the way the matter came up, and I told him about the proposition we had here to get an appropriation for Jeffersonville. It was in this way the matter came up.

Q. Did he give you the benefit of his knowledge on the subject at that time?—A. Yes, sir, he did; and he knew more than any man I had talked with on the subject.

Q. Had he any experience in levee building?—A. I don't know whether he had any experience in building levees or not, but he told me of a great deal of correspondence he had on the subject, and investigations he had made in regard to the matter.

Q. At all events, from your previous conversations with him, you were of opinion that he was a man well informed about this matter?—A. Yes, sir; that was my opinion, and that was why I employed him. I thought he had such information as would be beneficial at that time.

Q. Did you employ him simply to give you advice as to the mode of procedure?—A. I employed him to advise and aid me in any way possible to obtaining an appropriation.

Q. Well, do you know that he gave any aid or assistance whatever in procuring the appropriation?—A. Well, I do not know what aid he gave. I cannot say about that. I know I followed his advice pretty much all the time in my procedure after I employed him.

Q. Did he come to you at any time and report what progress he was making?—A. Oh, yes, very frequently. I saw him very frequently at the House, and very frequently I was at his office.

Q. Now, in those reports, what steps did he say he had taken to advance this enterprise?—A. I do not remember that he ever said he had taken any steps. One step he took was to advise the abandoning of the effort at this end and the fighting of the [illegible] on the other end of the Capitol.

Q. That was his advice to you, was it?—A. Yes, sir. I cannot name any single instance of his doing anything outside of his advising me as my counsel, and in talking over the matter.

Q. Mr. Hill lived at one time in Memphis, did he not?—A. I understood him to be from Arkansas. He gave me a good deal of his public and political history.

Q. Isn't he a sort of claim agent or something of that kind, prosecuting claims before the Court of Claims?—A. I think so, sir.

Q. Did you pay him this sum of $250 yourself?—A. I did, sir.

Q. In money?—A. In cash. Both transactions were in money.

Q. Where?—A. I think the first $250 were paid him at my desk in the House of Representatives. I remember distinctly the last payment was on Sunday. My recollection is, and in fact I have examined the dates to refresh my mind, that that money came here on the 5th, and the 5th was Saturday. We were expecting to adjourn that night, and I believe had an all-night session. I know I was not away from the Capitol for three days and nights, except, perhaps, when I went down town after this money. I got the money on Saturday some time before the bank closed. I did not see Mr. Hill that afternoon, and on Sunday the House was still in session. He sent in for me from this door at the west end of the lobby. I went out and we walked together into the sergeant-at-arm's office, and there I paid him the money. He wrote the receipt and remarked, "I will not date it to-day; this is Sunday." I told him that it did not make any difference to me, and I would as soon for him to date it that day as any other time, as I only wanted the receipt to show that I had paid the money. When he had written the receipt I handed him the money, and I don't believe I counted it then, or that I ever counted it. I simply handed it to him as I had received it at the bank.

Q. But it passed for a thousand dollars?—A. It passed for a thousand dollars and he took it for a thousand dollars. There was no secrecy at all about the matter, as men were passing around us at every turn of this thing.

Q. Is Mr. Hill a man of any reputable and social standing here?—A. Well, sir, I don't know. He was in the office on E street; I forget the name of the firm, or whether it was a firm or not; but there was another attorney in the same office, there being two large rooms, when I called. He was in there, and they both seemed to be reputable men. I know nothing about Mr. Hill's standing in his profession or otherwise.

By Mr. BAYNE:

Q. Mr. Warder, you said in answer to Mr. Stone's question that you paid this $250 "at my desk"?—A. Yes, sir.

Q. And the receipt was written there?—A. I think it was; I am not certain about that. No, I am mistaken about that, Mr. Bayne. I desire to correct my testimony right there. Mr. Stealey gave me the money at my desk, and I paid Mr. Hill the money at his office the afternoon of the date of this first receipt, at his office on E street.

Q. That is the $250?—A. Yes, sir.

Q. And this is the receipt which is written on the paper which I show you (handing paper to witness)?—A. Yes, sir.

Q. What kind of paper is that?—A. I do not know.

Q. It is not legal cap?—A. No, sir.

Q. It is not such paper as lawyers have about their offices, is it?—A. I suppose lawyers might have any kind of paper about their offices.

Q. This seems to be note paper.—A. I do not know why a lawyer should not have note paper around his office as well as any other.

Q. Was that date inserted at the time he wrote the receipt?—It was.

Q. Where did you pay the other $1,000?—A. I paid at the counter in the Sergeant-at-Arm's office.

Q. It seems to be note paper which reporters use.—A. It may be, sir; I don't know about that.

Q. This date was not put in at the time the money was paid, I understood you to say?—A. I did not say that.

Q. Well, which receipt was it in which the date was left out?—A. I said that the money was paid on Sunday, but the receipt was dated the day following.

Q. Oh, then I was mistaken as to what you said. Was that date and the body of the receipt all written at the same time?—A. Yes, sir; I suppose it was. In fact I know it was.

Q. And was it never out of your possession until you gave it to Mr. Ellis?—A. No, sir; it has been in my possession all the time, that is, in my house.

Q. Did you say that Mr. Hill was a lawyer?—A. I understood him to be an attorney at law.

Q. Well, do you know whether he is a lawyer or not?—A. Yes, sir; I might say I know he is lawyer.

Q. Is he engaged in any other business?—A. Not that I know of. The reason I might say I know he is a lawyer, is that he has or had a lawyer's office. He told me that he was a Washington attorney, and practicing before the Supreme Court of the United States, and I had no right to doubt what he told me.

Q. Your acquaintance had been about how long before this employment?—A. A month or two, or three.

Q. By whom was he first introduced to you?—A. I don't remember, Mr. Bayne, that there was any introduction at all, as far as that was concerned.

Q. How long had you met him before this employment?—A. Oh, quite frequently. I don't know what he was engaged in, but he seemed to have some business here, as he came to the House quite often.

Q. Were your meetings with him there?—A. I met him around my desk and in the hall of the House, and in the corridors and lobbies.

Q. Had he been recommended to you by anybody?—A. No, sir; I don't remember that he was recommended by anybody.

Q. Did he come to you and recommend himself as a good man to employ in this matter?—A. Well, I employed him on account of the fact that from my conversations with him I regarded him as a shrewd, smart man, and because of the fact that he seemed to understand more about levees and improvements of that character than any man I had talked to. He seemed to have a good idea of legislation and good judgment, which I did not have at that time, not knowing anything about the rules of the House or rules of legislation. It was my first advent here, and everything was new and green to me.

Q. How did he tell you he was going to get this appropriation in the bill?—A. He never told me he was going to get it in.

Q. What advice did he give you with reference to getting it in the bill?—A. Well, the first advice that he gave us was to make the fight in the Senate and abandon the idea of making any effort at all before the Committee on Rivers and Harbors, and he gave his reasons for it, which I thought were very good.

Q. What were his reasons?—A. Among others that the River and Harbor Committee could not afford to establish the precedent of leveeing any city. There is another matter comes to my mind now which I wish to refer to. Notwithstanding we had these Government buildings there and that advantage over all other cities on the river, yet there were quite a large number of delegations here from other cities. I met delegations here from a number of cities on the Ohio River looking for the same thing, and a very persistent one from Lawrenceburg, Ind., and Senator Voorhees had his heart as much set on getting that appropriation for them as for us, and he claimed that by some act of the Government through the Engineer Department, the current had been changed in a certain way, and that it was as obligatory on the Government to levee that town as it was Jeffersonville. There were a thousand things which came up in our conferences about this matter which I could not begin to think of now, but which of course would come to me gradually. I could not now think of one-tenth or one-hundredth of the different things which came up during the time we were fighting for this appropriation.

Q. Did he when he advised you to abandon your exertions in the House state that he knew any of the Senators?—A. Yes, sir; I think he did.

Q. What did he say as to that?—A. He didn't say anything other than to advise me to stick closely to Senators Voorhees and Harrison, which I did.

Q. What method did he recommend in operating in the Senate?—A. Well, one of the methods was—and he was the first one to give me the idea—not to fight for leveeing even there, but to get the idea of the appropriation through for the protection of Government property and the improvement of navigation, and to leave out the idea of leveeing altogether.

Q. Well, what did you do in pursuance of that advice?—A. I gave that idea to everybody I talked with who had any interest in the matter.

Q. Who were the parties?—A. I have testified already that I thought I suggested that idea to Senator Harrison.

Q. Did he appear before the Committee on Commerce of the Senate in behalf of this appropriation?—A. Not that I know of.

Q. Did he see any of the Senators in behalf of this appropriation?—A. Not that I know of.

Q. Did he report to you at any time that he had seen any of the Senators in relation to the matter?—A. I do not know; he might have done so.

Q. Will you be kind enough to say what he did, or reported to you that he did?—A. When you talk of what he did, I don't know what he did.

Q. Now, why did you pay a man $1,200 without knowing what he did, or without seeing what he did?—A. I will answer that question by stating that when I employed him I thought $250 was a very reasonable retainer, and perhaps I might have been overzealous in employing him, but believing as I did at the time that this man would be of benefit, I would not have hesitated if he had asked it to have given him $2,

contingent if we succeeded. I felt that way towards any one who could give us aid or counsel that would further this matter. The situation at Jeffersonville was very critical and we felt that we did not care what it cost to get this improvement, and we could have well afforded to have given $5,000 for that matter to get $50,000.

Q. As I understand, the only substantial advice he gave in the premises was to give up the fight in the House and pursue the matter in the Senate, and for you to keep close to Senators Voorhees and Harrison?—A. I could not tell you all the advice he gave. Our meetings and talks were very frequent, and it would be almost impossible to give all the ideas he advanced and the advice he gave.

Q. What I want to get at are the facts. I have no prejudice in this case one way or the other, but I want to get the truth. What was it that he said to you which induced you to employ a man you had known only two months, and then only by meeting him casually in the House, giving him $250 in cash and a contingent fee on the success of the appropriation of $1,000? What induced you to employ a man of that kind without any recommendation coming from anybody else as to his fitness, qualifications, or anything of that kind?—A. In my conversations with him I obtained information which convinced me that he was the most thoroughly posted man I had met in regard to levees and improvements of that character.

Q. Was that as to the construction of levees or otherwise?—A. As to legislation and trying to get legislation and appropriations. He had from his talks with me been engaged, as a writer for newspapers, or an attorney, I do not know which, in relation to levees. He has told me that he had been engaged in writing up and pushing up the idea of leveeing the Mississippi River and other Southern rivers, and in trying to get the Government aid in that direction.

Q. Was he employed by anybody else that you know of?—A. I do not know.

Q. Did he not tell you?—A. May be he did.

Q. Did he say that he was employed as a correspondent of any newspaper published along the Mississippi River?—A. I do not know as he specified anything of that kind.

Q. This $1,250 which was paid him, has it been wholly retained by him?—A. Every dollar that I know of. I know I did not retain a cent of it, and I know that Mr. Stealey never got a cent of that money, and that is all I know about it.

Q. Do you know of anybody else who got any?—A. No, sir.

Q. Do you know of anybody else who is to get any of it?—A. No, sir.

Q. Did you subpœna Mr. Hill in this case?—A. I did not, sir.

Q. Did you think of subpœnaing him?—A. Since I had a conference with my attorneys I do not know but what I spoke of subpœnaing him.

Q. Then you have been talking about it?—A. I did.

Q. Do you see him about the Capitol now?—A. I saw him a few days ago.

Q. Have you talked with him about this matter since this investigation has been in progress?—A. I have sir; and I think it was last Saturday.

Q. Do you intend to subpœna him as a witness?—A. Does Mr. Ellis object to my stating the conversation we had?

Mr. ELLIS. Certainly not. Make a clean breast of the whole thing, and tell him the truth.

The WITNESS. In conversation with our attorneys I thought it would be better to subpœna this man, and they said we had better let the committee subpœna him, if they were not satisfied, and I believe that was the agreement.

By Mr. BAYNE:

Q. Before employing Mr. Hill had you been at his office at any time?—A. No, sir; I had not. The conversation came up here through the day about the employment. I went to his office by engagement that evening and promised to let him know next morning about the employment. He was up here next morning; the agreement was entered into and I told him I would come down that evening and pay him his retainer, which I did.

Q. Did you consult with anybody at all about employing him?—A. I consulted with Mr. Stealey.

Q. With anybody else?—A. No, sir.

Q. What was Mr. Stealey's advice in reference to his employment?—A. Mr. Stealey thought I had better employ him.

Q. Did Mr. Stealey know Mr. Hill?—A. I do not know whether he did before that time or not.

Q. Did he know him at all?—A. I don't know whether he did or not.

Q. Did you consult with anybody else in reference to it?—A. I did not.

Q. Did you mention, in any of the communications which you wrote the people of Jeffersonville, or to the committees who visited Washington, the name of Mr. Hill as the party whom you had employed?—A. I did not see any of the committees that visited Washington until after Congress adjourned.

Q. When did you mention the fact outside of Mr. Stealey that Mr. Hill had been employed?—A. Well, when I went home after the adjournment of Congress I spoke with several parties.

Q. Did you state to those parties that Mr. Hill had been employed?—A. Yes, sir.

Q. Did you state it to any of the gentlemen now present from Jeffersonville?—A. I stated it to Mr. Goldbach, and I think I stated it to Mr. Shuler also. I am positive I stated it to Mr. Goldbach, and, perhaps, Dr. Fouts. I do not remember of any one who asked me about the name of the attorney.

Q. But the natural way to say it was that "I employed an attorney named Mr. Hill," was it not?—A. I may have so remarked for what I know now.

By Mr. BLANCHARD:

Q. Who recommended Mr. Hill to you?—A. Nobody.

Q. How long had you known Mr. Hill prior to employing him?—A. I have answered that several times.

Q. I was out, and that is why I asked.—A. I think one, two, or three months.

Q. Is Mr. Hill a lawyer of prominence here?—A. I cannot say that, but I can say this: in my judgment, if brains had anything to do with giving a man prominence, I should think he would be a prominent man in his profession.

Q. Do you know his standing before the courts?—A. I do not.

Q. Is his practice before the courts or exclusively before Congress?—A. I think he practices in all the courts here.

Q. Is he a lawyer or a lobbyist mainly?—A. I do not know what you call a lobbyist.

Q. The common acceptation of that term is what I mean.—A. If I give you my judgment, based upon my experience here with reference to lawyers retained in matters before Congress, I will say that I see a good many around the House here all the time. I do not know whether you call them lobbyists or not.

Q. I mean in contradistinction of a lawyer practicing exclusively before the courts. Is he a lawyer or a lobbyist in that sense?—A. I understand him to be a lawyer.

Q. Where did you first meet him. In the corridors of the House?—A. Yes, sir.

Q. Who introduced you to him?—A. No one that I remember.

Q. You just struck up an acquaintance with him?—A. Yes, sir; a casual acquaintance.

Q. Did you inquire into his standing, reliability, capacity, or anything of that sort previous to this employment?—A. No, sir; because upon my own judgment of his capacity I was satisfied upon that score.

Q. Did you post yourself as to whether he had any influence in connection with any matter before Congress, or likely to be?—A. I did not. I believe he told me he had connection with some matters, but I forget what they were, but it was in a legal way. I believe he said this, that he was paid $2,500 fee for writing a brief that did not take him three days.

Q I do not mean to make any reflection upon Mr. Hill. I do not know him, and do not know that I have ever seen him. What I want to know is whether you posted yourself before you employed him as to whether he was a lawyer of high standing and high character?—A. I know nothing to the contrary myself.

Q. Did Mr. Hill ever appear before the Committee on Commerce of the Senate?—A. I do not know whether he did or not.

Q. Did he ever go to see Senator Voorhees or Senator Harrison in connection with this matter?—A. I do not know.

Q. Did you ever apprise anybody in Washington that Mr. Hill had been employed in this matter?—A. No, sir; not that I know of. Nobody asked me and I do not know that I told any one. I do not know that anybody in Washington had any interest in or cared anything about it.

Q. When did you first become connected in an official capacity with Congress?—A. I think in December or the beginning of the Forty-eighth Congress.

Q. That was December, 1883?—A. Yes, sir.

Q. And you employed him in March, 1884?—A. May, 1884.

Q. Now, Mr. Warder, with the experience you have had in an official capacity in Congress, do you think now you would have employed and paid as much as $1,250 for the services that Mr. Hill rendered?—A. I will answer that question in this way: If I had to do the same thing over under the same circumstances, with my knowledge now, leaving off the part that I was to be persecuted by an enemy in the dark, I would do just exactly what I did before.

Q. My question is this: Under the same circumstances and conditions, say with the single exception that you have greater experience yourself now as to how things work here in Congress, would you employ him?—A. Well, I do not know that I would. I do not know that I would not. It depends upon the circumstances surrounding the case at the time. Of course I have had the experience of the Forty-eighth Congress and this much of this Congress, and I know more now than then.

Q. You thought, then, it was necessary to employ him, did you?—A. I did.

Q. Now, looking back from this date, do you think it was really necessary to employ him?—A. Well, I would not like to say for a moment that his employment secured that appropriation. But I say this, as I have repeated time and again in my

ıy, that he did give material aid in his suggestions and in his advice and in sel as to how to proceed in this matter.
ve it to you, and to anybody else?—A. Gave it to me, and I communicated ers.
ı do not know that he gave it to others, do you?—A. I did not say he did. ıt he gave me this advice and I communicated it to others.
en, as I understand it, Mr. Hill was employed to give you counsel as to the take in this matter?—A. Well, he was not especially employed for that, Mr. rd; but was employed as attorney to give such advice, aid, and assistance, rom his knowledge and experience, he thought at the time would be of benefit. r this purpose I made the employment.
l I understand you to say that you were speaking with Mr. Hill last Satur- . Yes, sir.
reference to this investigation?—A. It was spoken of; yes, sir.
l he express a willingness to come before the committee?—A. He did, sir.
ıe in town now?—A. I suppose so.
you believe a subpœna from this committee could reach him?—A. I do, sir. ve you his address?—A. I have, sir.

Mr. LEHLBACK:

ıs dispatch which you sent to Mr. Shuler was dated July 2, was it not?—A. ny recollection.
ıen did you receive his telegraph money order?—A. July 5.
Saturday?—A. Yes, sir.
ı got a check or draft from the telegraph office?—A. I got a draft or order or bill of exchange or something of that kind, and I got the money for it.
d you drew the money?—A. Yes, sir.
that time when you drew the money was the river and harbor bill signed?— ›ill became a law on Saturday.
d you know before you drew the money that it had become a law?—A. I ɛt the money until late in the afternoon; but I think I did know it had be- aw, sir.
w old a man is Mr. Hill?—A. Well, I couldn't say. To give my judgment I hink he was a man of about fifty years.

Mr. FARQUHAR:

ıe receipt for $250 is dated May 13. How long before that date did you hire ı Hill?—A. I think a day or two previous to that.
ıw, in all this time intervening between the hiring of Hill until the passage lesignation of appropriation, can you give this committee a reason why you ›ld Mr. Stockslager that you had hired this man?—A. I suppose I can, sir.
ıat is just it.—A. If that is just it I think I can satisfy you. I want to be rticular, because there is some little delicacy about it. I think I will make a ent that will be reasonable, and if it does not convince you, I am thoroughly ɔed: In the first place Mr. Stockslager was a candidate for re-election, and my and my city and my people were friendly to Mr. Stockslager up to the time r. Jonas G. Howard, a citizen of our city, was induced to become a candidate. received an appointment as assistant doorkeeper in the House of Representa- inder the Doorkeeper, and I was credited to Mr. Stockslager, while in reality ı truth Mr. Stockslager had nothing to do with my appointment. But still I illing that it should be so, and I was friendly to him at the time. Naturally, pose, Mr. Stockslager thought I ought to support him in his candidacy. Mr. ırd was my neighbor and my friend, and of course I could not support Mr. ılager. I went to him and told him so. I told him I intended to support Mr. ırd and to do all I could for him. That caused a little estrangement between Stockslager and myself, and I never consulted with Mr. Stockslager about this g in my life. It has all passed over now. It was simply a little political es- gement.
Do you say, Mr. Warder, if you had to go through the same experience again, h your knowledge of legislation, that you would be willing to pay that amount money to a man with whom you had so very little acquaintance, but to whom you k a notion on account of his good talking qualities, &c.?—A. I said if I had it to ver again under the same conditions and circumstances, barring this unfortunate ne—this investigation—I would do exactly the same thing.
Now, Mr. Warder, had it been known to you before Senator Harrison gave his timony here, that he was the one who initiated the whole matter of this appropria- n, and that Mr. Hill had nothing to do with it?—A. I do not know that Mr. Har- n initiated it.
Senator Harrison had a similar trouble in getting an appropriation of this kind evious to this one, and like any other member of Congress he moved in this matter the light of past experience, and jumped in here and pushed the measure through.

Is that not a very reasonable view of his position in this matter?—A. Now, the committee which came here first, and I think Mr. Howard was with them, brought maps and so forth, showing the surroundings of the Government property, and advanced suggestions with reference to securing the appropriation for the purpose of protecting the Government property, and it was Mr. Howard and this committee who inaugurated this means which you say Senator Harrison inaugurated.

Q. Now, did you or Mr. Howard or any committee coming here from Jeffersonville, know how to turn this appropriation out of the general sum for the improvement of the Ohio River, before Mr. Harrison made the suggestion? Did your lawyer, Mr. Hill, ever propose this to you?—A. I think he did in a conversation with me long before that.

Q. Did not Senator Harrison bring it in himself in the Senate?—A. I do not understand that Senator Harrison brought that in in the Senate. If you will read his bill you will see that it does not say so.

Q. What I want to get at is simply this: Among the questions which have been asked you in respect to what this man's services were, you seemingly made a claim in your answer that this plan, which I grant you is known to but very few men in Congress or out of it—and the means of reaching this feature was first proposed by Mr. Hill. In other words, that Mr. Hill advised the designation of this amount in the general appropriation for the improvement of the Ohio River to be used at Jeffersonville. Do you think now that Mr. Hill initiated this decision, in face of the testimony of Senator Harrison that he never heard of your Mr. Hill, and that he, the Senator, was the one who first thought of this plan of securing the appropriation?—A. I did not understand Senator Harrison to go that far. I know this, that I had a conversation with Senator Harrison when opposition had developed in the subcommittee of the Committee on Commerce, which very much alarmed Senator Harrison, and he mentioned, I think, the name of Senator Ransom as opposed to putting anything in the bill that looked to establishing a precedent for this levee business.

Q. And did not Senator Harrison state here that he himself had made a speech against that very feature, and while he was in favor of the appropriation for improving the river at Jeffersonville, he could not consistently support the measure unless this objectionable feature was in some way overcome?—A. Yes, sir.

Q. And therefore he knew how to do it and how not to do it, did he not?—A. I want it understood that I have on all occasions given Senator Harrison the credit for his application and work in securing this appropriation. I want to be distinctly understood on that point.

Q. Now, in the long run, after this is all summed up, you paid rather dearly for the whistle, don't you think so?—A. It is gone now. It might be, if I had to do it over again, I might proceed a little differently. I do not know that. Of course, with the experience that a man has, if he does not learn more sense he is a poor man to live in a country like this.

Q. Have you ever been a member of the legislature?—A. I have not.

Q. Have you ever been an officer of a legislature, I mean a State legislature?—A. No, sir.

Q. And your whole experience in these matters has been with the municipality of Jeffersonville?—A. No, sir. Now that you have brought this point out I shall answer it. During my incumbency as mayor of the city, we inaugurated a county seat removal fight. The county seat of our county was then 12 miles back from the river, and Jeffersonville had grown to such proportions that we wanted it. We had a big fight in the courts and in the legislature. It cost the city of Jeffersonville, my recollection is, about $70,000. The question recalls to my mind the fight we had in obtaining legislation before the legislature. We employed several prominent attorneys and paid them pretty large fees, some as much as $2,000 each. I had that experience.

Q. Did you follow their movements close enough to see the course they pursued in carrying through their point?—A. I did not. I think at least $8,000 was paid for attorneys' fees in the courts and legislature, and I was in it up to my ears for three years.

By Mr. LEHLBACH:

Q. About this dispatch, this telegraphic money order. Are you positive that you received it as late as Saturday, the 5th?—A. I am positive, sir, that I received it as late as Saturday, the 5th day of July, 1884.

By Mr. BLANCHARD:

Q. Mr. Warder, a good deal has been said in your examination about who originated the idea of asking for this appropriation for Jeffersonville upon a project to protect the Government property there. Now, is it not likely that Mr. Stockslager was the originator of that idea?—A. We talked that over before the committee came here, and before Mr. Stockslager ever introduced that bill I remember talking with him about it.

Mr. BLANCHARD. Mr. Stockslager testified that he had not been talked with by anybody about this proposition. I may be mistaken.

The WITNESS. I do not know whether you are or not; but I know Mr. Stockslager and I had talked about it, and he called my attention to the fact that he was going to introduce a bill.

Mr. BLANCHARD. But he introduced the bill April 4, which embodies that very idea of protection of Government property and the improvement of the Ohio River at Jeffersonville, Ind. That was prior to the introduction of the amendment of which Senator Harrison spoke this morning in his testimony. In connection with this testimony I will offer this bill as evidence.

A BILL appropriating $75,000 for the protection of the Government property and communication with said property and the improvement of the Ohio River at Jeffersonville, Ind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $75,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended at and near Jeffersonville, Ind., for the protection of the United States quartermaster's depot and other United States buildings at said point from overflow, to protect communication with said depot, and for the improvement of the navigation of the Ohio River.

So that as early as April 4, 1884, that idea had certainly found lodgment in the brain of the Representative of the Jeffersonville district.

The WITNESS. I had never seen the bill and never knew of it at that time.

By Mr. BLANCHARD:

Q. That is the first substantive proposition which was presented to the Forty-eighth Congress relating to that matter. Now, do you know whether or not this attorney gave any such idea as that to Mr. Stockslager?—A. I do not.

Q. Did you yourself talk to Mr. Stockslager and indicate that line of policy?—A. I did not, sir. The attorney was not employed at that time.

Q. Then it appears that long prior to the employment of that attorney the idea of the protection of Government property there had been embodied in a bill by Mr. Stockslager.—A. So I see.

Mr. BLANCHARD. And the appropriation was asked on that ground distinctively.

By Mr. CLEMENTS:

Q. Did you, Mr. Warder or Mr. Stealey, either of you, receive back from Mr. Hill any part of this money?—A. Not a cent, sir.

Q. Or any other thing of value?—A. Not a cent.

Q. Did you or he receive any compensation from any source for your interest in this matter?—A. No, sir.

By the CHAIRMAN:

Q. You say that Mr. Hill was frequently about the House. Was he looking up bills or about there, or was he employed there?—A. I saw him sometimes talking with persons. I did not see that he had employment there at all. He would come round and ask for a Record or Directory or other papers.

Q. Did you ever know of his being employed in regard to any other matter?—A. No, sir.

Q. You say he was round there before the House met?—A. Yes, sir.

Q. Any other time?—A. Not that I remember of. May be I saw him round about in the corridors during the day.

By Mr. STONE:

Q. There was a flood there in 1883, did you say, and then another in 1884?—A. Yes, sir.

Q. You were there during the flood of 1883?—A. Yes, sir.

Q. Was it a disastrous inundation?—A. Not so much so as in 1884. We estimated that 7,000 of our population were without house or home in 1883.

Mr. ELLIS. What is the total population?

The WITNESS. At that time the total population was about 15,000—that was in our prosperous days.

By Mr. STONE:

Q. Had you large manufacturing interests there?—A. Yes, sir.

Q. Were those manufacturing establishments discontinued on account of the flood of 1883?—A. Well, they all recovered from the flood of 1883; but the result of the flood of 1884 they have never recovered from. The carworks, a very large institution, which has employed as high as 2,000 men, I do not believe has done anything since the flood of 1884. The plate-glass works, that employed 150 or 200 men and women,

lost, I believe, in the two floods—or the estimated loss was $15,000 or $20,000 they never recovered from, and they are entirely broken up and destroyed no

Q. I understand you to say that the building of this levee is almost nece your existence as a city?—A. Well, we did regard it as necessary to the exis our city. Our property was worth nothing, and is not worth much to-day, this levee is an experiment and not enough has been completed to make the t tirely secure. To do so would require an additional expenditure of money. I it gave a great deal of confidence to our people and in our city, and gave a mor feeling every way.

By Mr. BAYNE:

Q. There is a letter spoken of frequently and which purports to have been by you, but which it has been said has been lost, in which you spoke of secur services of an influential friend?—A. I have heard such a statement as that made no such remark, because the man was not a friend of mine, and I co have made use of such an expression.

Q. Did you say he was an attorney or friend?—A. I might have said attor prominent party, or man of intelligence, or something of that kind.

Q. You spoke of somebody whom you intended to employ?—A. I had empl

Q. Do you remember about the date of that letter?—A. I do not.

Q. Was Mr. Hill the man you referred to?—A. Mr. Hill was the man.

Mr. Bayne read the following letter which was published in the Jeffersonvil ning Times, Saturday, May 2, 1885:

A card from A. O. Schuler.

The Louisville Commercial reporter, in an interview published in last Thu issue of that paper, did me a great injustice, and I desire to make a short and statement in regard to a certain matter mentioned in that interview. The $1 mentions was paid by myself and several other business men of the city, and w no claim on that account against the city, nor will any be presented. That is ter of the past, and has been definitely settled.

His reference to me alone, when other gentlemen, now candidates for city were equally interested in the matter, shows the animus of the person who tutiously misrepresented me.

In fact the whole thing is a base fabrication, and was concocted to gratify spite.

If I am elected mayor of Jeffersonville its finances will be guarded to the fu tent of my power officially and personally, nor will I at any time be amenab unjust, though inferential, charges of your reporter or the person with who the interview.

Respectfully,

A. O. SC

A. O. SCHULER, recalled, objected to testifying, because he said he ha charged, but answered the following questions put to him by Mr. Bayne.

Question. Did you publish that letter?—Answer. I may have publishe

Q. Do you not know that you published it?—A. Yes, I believe I did.

O. O. STEALEY sworn and examined.

By Mr. THOMPSON:

Question. Mr. Stealey, please tell the committee what connection you curing this levee appropriation for Jeffersonville; when you first und all about it?—Answer. I am a citizen and taxpayer of Jeffersonville; a are there, and my family lives there. They had floods there in 1883 and destroyed the town pretty much, and I was asked by friends to assist ington in securing this appropriation, which I did. I went to Senato quently, and I went to Senator Voorhees, and to members of the Ho that man could do for his town in that respect.

Q. Mr. Stealey, you are correspondent of the Courier-Journal, and clerk of the Pensions Committee, under Mr. Matson, of Indiana?—A.

Q. Was there any suggestion made to you that you were to be p your services, or that you would expect anything?—A. No, sir. M a year, and I did not want anything in that way. I am at the he and the combined salary amounts to nearly that much money, and, o no money from my town for anything I could do for it.

Q. Something was said about you having paid out $250.—A. I $250.

Q. What was that for?—A. He told me at the time that he wanted to or had employed an attorney. I asked him who the man was, and he said it was Hill. I then asked him what he knew about the man and was he a good man, and he said, "I think so; I talked to him, and he seems to have a good idea of legislation." I then asked him where the money was to come from and he answered, "Prominent tax-payers want this done, and I am authorized by Mr. Goldbach to employ an attorney, or some man to watch this bill."

Q. Did you tell him you could not give it much attention?—A. I told him so distinctly and positively. I was away a good deal of the time; I was two weeks in Chicago, and from the latter part of May until the 3d of June I was away from Washington, and from the latter part of June until the middle of July I was not here. And during that time no letter was written and no dispatch sent by me, and I had no communication whatever in any manner connected with the money or the employment of an attorney, except with Mr. Warder; and that was to let him have $250, which Mr. Shuler sent me a draft for in about six weeks. That ended my connection here with the whole business, except my personal efforts among members of the House and Senators.

Q. Mr. Warder consulted you frequently.—A. He came to my office on 14th street frequently and was excited about it and talked about the thing a great deal.

By Mr. ELLIS:

Q. Had you ever any consultation with Senator Harrison about some proposition like this: "How would it do to let Jeffersonville pay $25,000 and the Government appropriate $25,000?"—A. I know all about that. I will state that to the committee. I went to Senator Harrison frequently, as I said, in the latter part of June. About the 25th of June I had a long talk with Senator Harrison in the Committee on Territories' room of the Senate. He said to me "Now, Mr. Stealey, I cannot tell whether we are going to do anything with this matter or not; you know as well as I do that no legislation is through until it is completed." He said: "Now, it may strike these gentlemen that the city of Jeffersonville is having a great benefit conferred by this appropriation, and it will be only fair if the city put up $25,000 to protect the city, and we will protect the Government property—the quartermaster's depot—by appropriating the same amount of money. You had better advise with your friends at Jeffersonville and see if this proposition will be agreeable." Well, I thought the matter over, and concluded $25,000 was better than nothing, and that we had wealthy citizens who could afford by individual subscriptions to make up the balance. I then telegraphed to Mr. Shuler about this: "Senator Harrison suggests that the city of Jeffersonville pay for its own protection $25,000, and the Government will appropriate $25,000 to construct the levee for the protection of its own property." After I sent that dispatch I told Mr. Warder, the same day, what I had done. He objected to it, but I told him that it did not make any difference about his objections; that if that was all right it should be done. He said: "Now, you hold on; I am going to see Hill about this matter." Afterward he came to me and said that Hill said it was just as easy to get $50,000 as $25,000, and wanted me to telegraph down there to withdraw the proposition. I did not do that, but I telegraphed Mr. Shuler, "Hold any answer to dispatch received from me relating to appropriation." It happened that I got no answer, however, to either one of these dispatches, because the gentlemen who had the matter in hand were at Indianapolis, or elsewhere, attending some meeting. No dispatches ever were sent.

By Mr. THOMPSON:

Q. Mr. Stealey, there was something said about you making a proposition to have this money paid back if this business was stopped, the testimony being, if I mistake not, that McCampbell had said something about it?—A. I will just state to the committee that I would have given at any time double the amount of money expended by the city of Jeffersonville rather than had this investigation ordered, and to be hawked before the country, and to have my name smirched in the matter; though I could not see that I had done any harm. The very fact of an investigation of a man of my position is damaging, and on account of my family and friends I wanted to avoid it. No amount was named to McCampbell. These men had deceived me in Jeffersonville. This amount of money was never to come out of the city treasury. That was the distinct understanding. The rich men of Jeffersonville were to put this money up for the payment of this attorney, and I ordered it to be put on the record of the city council on the 15th of July, 1884, that it had not cost the city of Jeffersonville anything. It was my understanding that they were to pay this money themselves for the attorney. That is the reason I did not care whether this attorney cost $200 or $10,000. These gentlemen had made this arrangement with Mr. Warder. They had money, and big money, and wanted to pay an attorney here. It was no matter of mine. I did not care a snap about it. I did not have any idea that the city of Jeffersonville was ever to pay a dollar of the money.

Q. The whole of it was what you considered a disgraceful trick through petty spite, and you were willing to pay the money rather than have the investigation?—A. Twice what it cost. I knew the men who were hounding me, and who were back of them.

Q. Did Warder know anything about your offer?—A. No, sir; I never consulted Mr. Warder. I was at Mr. Watterson's, in Louisville, about six weeks before this investigation was instituted. I had no communication with Mr. Warder. If I had not been clerk to the Speaker, and occupying the position I do here in the newspaper business, I would not have cared so much. I told Mr. Warder what I had done, and he denounced it, and said that he had not been guilty of anything, and that if they wanted to investigate, let them investigate. He is differently constituted than me. That is all.

By Mr. CLEMENTS:

Q. You say that this proposition that you made to Mr. McCampbell was six weeks, probably, before this investigation was ordered?—A. It was in February, when I was at Mr. Watterson's house; some time in February.

By Mr. STONE:

Q. I do not understand what the proposition was.—A. I told Mr. McCampbell rather than be smirched by an investigation being ordered I would pay every dollar that they had expended here. If to get the money back into the treasury of the council was the object or the cause for bringing this investigation, I would pay it back myself.

Q. Did you tell him to see Glass about it?—A. Certainly. Mr. Glass married a niece of McCampbell. I had no influence with Glass nor with Tom Browne. They were both bitter enemies of mine, both personal and political. Mr. McCampbell was a Republican, and had been on the State committee; but was an intimate friend of mine and stands high. And as I have said, if the reason was, as stated, that they wanted this investigation to get this money back into the treasury, I was willing to pay it myself. I wanted to see where the malice was, and whether there was something behind all this matter. I think it was a piece of blackmailing.

By the CHAIRMAN:

Q. It was individual feeling that caused you to do this?—A. Entirely so.

FRIDAY, *April* 9, 1886.

Mr. O. O. STEALEY appeared before the committee and stated that he wished to withdraw the word "personal" as used in his testimony the day previous, in speaking of Hon. Thomas M. Browne as being his personal and political enemy. He wished to withdraw that word and let it stand "political."

E. N. HILL sworn and examined.

By the CHAIRMAN:

Question. What is your name?—Answer. Ezra Nathaniel Hill.

Q. What is your age?—A. 55.

Q. Where do you live?—A. In Washington City, sir.

Q. What is your business?—A. I am a lawyer at the bar.

Q. How long have you lived in Washington?—A. Since December, 1875.

Q. Where did you reside before that?—A. In Arkansas.

Q. What place in Arkansas?—A. From my boyhood until 1872 at Camden, Ark.; after that at Little Rock.

Q. Has the profession of law been yours all the time?—A. Always, with the addition that I have been an editor besides, and write for papers.

Q. When were you admitted to the bar?—A. In April, 1872, and in the Supreme Court of the United States.

Q. You have been an editor or writer?—A. Both.

Q. What paper did you edit?—A. I edited the Little Rock Daily Republican at *one* time. I have never edited any paper since that time. That was in 1874.

Q. Since you have been in Washington, have you been an attorney-at-law regularly in practice?—A. Yes, sir.

Q. Any other occupation?—A. I have written for the different papers.

Q. Have you been in a firm, or do you practice alone?—Alone. I have been engaged with other lawyers in cases, and am now.

Q. It was said by Mr. Warder yesterday that he paid you certain money in connection with a bill passed in Congress, including an appropriation for Jeffersonville

levee. When did you form the acquaintance of Mr. Warder?—A. Well, sir; I do not know exactly when. I saw him upon the floor of the House at that session of Congress. I was interested in a number of private bills; and I was in the habit of going to the House. Sometimes I wanted committee lists and I got them from Mr. Warder's desk. I think he is the gentleman who gave them to me. I formed a great many acquaintances during that Congress, which was a new Congress, and I think in January, February, or March we had brushed up a speaking acquaintance.

Q. What do you mean by a new Congress?—A. They were new employés. The previous Congress had been Republican, and the employés had all been changed.

Q. Well, sir, please state the time when he first mentioned the matter about which he paid you the money, in your own way?—A. Well, sir, I cannot state the time, but some time during probably March, Mr. Warder and myself, and I do not know which introduced the subject, got to talking together about levees, as we talked about other things, and probably the second or third time that the matter was mentioned, I do not know exactly when, he said that he was interested in a levee matter. I asked him what one it was, and he told me that he wanted a levee at Jeffersonville. I asked him how he proposed to go about it. He told me how he thought of doing it, and I said to him I did not think that was the way to do it. That conversation begat two or three conversations on the subject. I could not repeat them; we talked generally on the whole levee question a good deal, and finally he asked me what was the correct way. I very promptly said to him that I was a practical man and was generally paid for opinions of mine, and if he wanted any assistance of mine, by paying for it, he could get it. A day or two after that he asked me when I would be at my office; I told him I was there every night; I think he said that when he was at his desk on the floor in the House, and said in that conversation that he thought I knew more about the levee business and how to get an appropriation than anybody he had met, and asked me what I would charge him. I told him that I would not enter into the case at all unless there was an advanced fee of $250, and if he succeeded in getting the appropriation through, that I should want $1,000 more. He said he would see me about it next morning, and said he would pay the fee. He asked me if I would be at my office that night, and he came to my office and paid me the $250. He was entirely mistaken as to the method of procuring an appropriation. If he had attempted to get an appropriation for Jeffersonville, every town from the head of the Ohio down to New Orleans would immediately come to the committee and attempt to get appropriations for the same purpose, and I told him that any bill of that kind would be a failure if he tried it; but as he had Democratic and Republican Senators, I told him he had better get either Senator Harrison or Voorhees to put that measure on in the Senate when the bill came over there.

I talked with him several times, probably twice or three times again, when I happened to meet him, and I was telling him what he ought to do. Finally he told me that Senator Harrison suggested that they get half the money and that the town pay the balance. I told him that if he could get $25,000 he could get $50,000, and that the proper way would be to ignore the levee question. I think I wrote out my suggestions and gave them to him on the subject as to having the appropriation made for the improvement of navigation and the protection of Government property. My recollection is that I wrote out a statement of the Government property. I had looked into the matter, and got some information on the subject, and made a statement about it for him. I think he followed my advice very implicitly. The appropriation was to be put on in the Senate, and I think I told him that it was necessary for him to see the conference committee and see that it stayed there when the conference committee met. And it did stay there, and the bill was signed. Immediately afterwards I called on Mr. Warder for my $1,000. I called him out of the House on Sunday morning, and he said that he had gotten the money and would pay it to me, and went into the Sergeant-at-Arms office and paid me the money, and I gave him the receipt.

Q. Where is your office?—A. At 1305 E street, northwest, at that time. My office is now 33 Glover building, 1419 F street.

Q. Had you frequent interviews with him at your office?—A. Not more than two or three. I do not know that he was ever in my office but twice.

Q. Are you familiar with the method of getting bills through?—A. I have been here since 1875, have been interested in a good deal of legislation, and have some familiarity with the method of getting bills through. I had a great many private claims before Congress.

Q. Your attitude, then, is that of a claim agent?—A. No, sir; I am a lawyer, and have in every instance endeavored to get my business out from before the committees of Congress. With J. W. Denver, William Penn Clark, A. L. Merryman, Gilbert Moyers, and Charles Pennybaker, the executive committee of the Court of Claims bar, I drafted the bills in which we were trying to get an act to take all claims out of Congress, because I did not like to practice before Congress.

Q. Still you have done so a great deal?—A. I was forced to do so to a great extent.

Q. Well, did you see any member of the House in regard to this matter?—A. I never did. That I do not think is the proper way. I do not think that I ever spoke to half a dozen members in my life except to ask them to introduce a bill. I think I did as much to Mr. Thompson, and I know he reported against it.

Q. You have no objection to giving others your advice as to how they shall proceed?—A. Certainly not, sir. That is my business.

Q. And you gave Mr. Warder such advice as you thought would effect legislation?—A. I did, sir.

Q. And that was your object?—A. Yes, sir.

Q. I understood you met Mr. Warder informally, while around about the House?—A. I am not certain whether I was ever introduced to him or not; I might have been.

By Mr. BLANCHARD:

Q. Are these the receipts that you gave Mr. Warder?—A. Yes, sir; and (looking at the receipt for $1,000) that paper was not torn when I wrote it. That is my receipt and they are in my handwriting.

Q. Did anybody ever share in any of that money besides yourself?—A. Not a dollar, sir.

Q. Is the date of that first receipt the date of your employment by Mr. Warder?—A. I suppose it is; I do not recollect.

Q. May 13, 1884?—A. I do not recollect the date.

Q. From the advice you gave to Mr. Warder here that he was not pursuing the right course to obtain the appropriation, I judge that he was putting it upon the idea of building a levee to protect the town from overflow. Was that correct?—A. Yes, sir.

Q. You advised against that?—A. I advised against going before the levee committee at all.

Q. You advised him to pursue a line of policy—as we do not make these appropriations for the protection of a town or private property—that the primary object of this appropriation should be the protection of Government property. Do you think that you originated that idea in this case?—A. I do not know, sir; it was my idea.

Q. Are you not aware that Mr. Stockslager introduced a bill taking identically that ground?—A. I do not know; I do not think I had ever seen any such bill.

Q. More than a month before your employment?—A. I never had seen the bill, and I was not aware of the fact.

Q. Did you ever advise anybody else but Mr. Warder about this matter?—A. No, sir; I do not think I ever spoke to another soul but Mr. Warder about it.

By Mr. FARQUHAR:

Q. You say, Mr. Hill, that these receipts are in your handwriting?—A. Yes, sir.

Q. And it is presumable that May 13, when you received the $250, was about the time that Mr. Warder engaged your services?—A. Yes, sir.

Q. Where was the receipt written?—A. It was written in my office.

Q. On what street?—A. At 1305 E street, northwest.

Q. Where was this receipt ($1,000) written?—A. In the Sergeant-at-Arms's room.

Q. Do you know anything about the quality of this paper?—A. Well, yes, sir; that paper is such as is usually used in newspaper correspondence.

Q. Blotter paper. One receipt was written at least two months before the other—one on May 13 and the other July 7—or rather 6, I think it ought to be?—A. Yes, sir; the dates tell that.

Q. I am rather curious to know, Mr. Hill, why it is that the same ink is used on both papers?—A. Because I suppose that was the same kind of ink; I get the best ink that can be bought, and get it generally from the Capitol, sir.

Q. Then you use what we call the Thomas ink, that we have in the Senate and House, and use it at your private office?—A. I think so, sir; yes, sir.

Q. You say, Mr. Hill, that you never had any communication with any Senator or Representative while this bill was pending?—A. I had not.

Q. You also say that you are unaware of Mr. Stockslager's bill prior to your employment in this matter?—A. I was unaware that Mr. Stockslager had introduced a bill of that kind.

Q. Or what course the bill was to take?—A. My opinion was that the House committee would take no action on the matter, and that is why I advised Mr. Warder at first, and told him if he attempted to get such a bill before the Rivers and Harbors Committee, it would be loaded down with other towns, and that none of them would get anything.

Q. You say you have had quite a long experience about levees?—A. I was raised behind a levee.

Q. I did not want to know where you were born, but inquired of your professional experience.—A. I have had some levee experience.

you mention in all your knowledge of Congressional matters what is the
on of any general appropriation bill—in any other bill for the Ohio River or
sippi River—that you have assisted in or been engaged in?—A. I have paid
attention to that. I have urged, through newspapers and other ways, the
f appropriation bills for levees.
say that you give this peculiar advice relative to this appropriation bill. I
ou, if in your experience as a legislative attorney, or whatever you may
n can name any other case in which you have been engaged in a bill of this
?—A. I never had anything to do with any other legislation or appropria-
for levees except this one case. I was never employed as attorney to assist
sage of an appropriation bill for a levee except that one, neither before nor

long have you been a practicing attorney in Washington?—A. Since 1876.
t courts do you practice before?—A. Before the Court of Claims, the De-
, and Congress. I do not go into the local courts at all.
idering the little work you did in this case apparently, from your own tes-
it not an inordinate fee?—A. I think it is a very small fee, considering that
to get $50,000. I generally get 25 per cent. when I take a case. I think,
small fee.
n you say you charge 25 per cent., tell us in how many instances in all your
ou get your 25 per cent. or 10 per cent.?—A. In a great many instances.
your profession is quite lucrative in this way?—A. Well, I make a re-
living, sir.
you name any single case of this kind or any of those fees where you have
personal aid and advice and got anything like the money you did in this
e matter?—A. Yes, sir.
t was it, sir?—A. I am trying to think. I obtained 25 per cent. for getting
ent to Mr. Mills, former marshal of the United States for the district of
of a claim of $9,000, and was paid $2,500 for it.
long since?—A. I think it is between five and six years since; and I was
hteen months on the case.
l, you wish to give this committee to understand that all you did in this
as to counsel Mr. Warder as to what he should do?—A. Yes, sir; I counseled
what to do.
that you presented Mr. Warder with a brief of how it was to be done?—A.
written memoranda of what ought to be done.
Hill, were you ever before an investigating committee of Congress?—A. I
tant attorney before what is known as the Potter committee for the Louisi-
rning Board.
re you in any other relation before any investigating committee of Congress?
not think I ever was, sir. I do not recollect of any.
you recollect the sundry civil bill with the appropriation for the Hot Springs
-A. Yes.
you have any connection with that?—A. I tried very hard to defeat it.
re you before an investigating committee with respect to that bill?—A.
ollect. In the Senate.
you recollect, Mr. Hill, of your own testimony in that case?—A. I do not re-
at all, sir. I recollect the general purport of it.
you recollect of any qualification of your own truthfulness, of your own
that you made in it?—A. I recollect that I stated to the chairman of that
e that they had two or three detectives after me, and that I had deceived
tives.
you not use another word?—A. I said I had "lied" to them. They were
about the loss of that paper, and I said I had "lied" to them.
you not claim that you knew all about it, and was not that the trouble?—
r, I did not say that; I said I could find out how it was lost.
never claimed that you knew about it, and that you could name the man
abstracted the paper?—A. No; I knew this Big Footed Benson, as he was
anted to get me to say that I knew something about that matter. He was
ther man, and I knew that they were detectives, and knew what they were
do, and I tried deliberately to deceive them. I started to deceive them, and
ming I wrote out what I had done with these two detectives, and what they
g to do with me, sealed it up, put it in an envelope, and carried it to the office
l C. D. Gilmore, and got him to sign it and put it away, and after two or
ks, that I had fooled with these detectives, I made an appointment with Mr.
ben Solicitor of the Treasury, and the head of the detectives, at his room,
hese letters carried to him by another party. I went with them and had
the seals, and told him I had done this to show him what a nice detective
had, and what they were trying to do.

Q. Did you receive any fee for this system of what you call deception or lying?—A. No, sir.

Q. You never did receive anything for that?—A. No, sir.

Q. Did you take $5 from these parties?—A. I will tell about that. One day I met one of them on the 4th of July, and he said to me what are you going to do to-day? And I said, "Nothing"; and he said just take and spend this $5 bill.

Q. Did you not think that was a very small fee for a man of your ability?—A. I did not think it was a fee.

Q. Well, it was not a loan?—A. No; it was not a loan. I was simply amusing myself with a lot of fellows that were claiming to be detectives and smart.

By Mr. LEHLBACH:

Q. Mr. Hill, in this case where you received 25 per cent., what was the amount, $9,000?—A. Yes, sir.

Q. Was that case before Congress?—A. Before the Department.

Q. What Department?—A. The Treasury Department.

Q. Did you appear before that Department?—A. I did. I appeared before the Deputy First Comptroller and left the papers with him.

Q. Did you ever appear before any committee of Congress in any other case than this one under investigation?—A. No, sir.

Q. Did you ever have any private claim in which you ever received a fee as large as in this case?—A. They never allow us to appear before the committee in behalf of private claims. The War Claims Committee has not permitted it for the last six years. I do not even know who the members of the committee are who have the cases in charge.

Q. Well, what experience have you had, then, as to how to obtain the passage of a bill through Congress?—A. By keeping my eyes open and watching how bills pass.

Q. When did you sign this receipt for two hundred and fifty dollars; on the date you state here?—A. I think so.

Q. Are you certain of that?—A. Yes, sir; I hardly ever make a mistake in a matter of that kind.

Q. That was signed in your office, was it?—A. Yes, sir.

Q. And this other receipt was signed where?—A. In the Sergeant-at-Arms's room.

Q. On what date?—A. On Sunday, but it is dated on Monday.

Q. And all you really did in this matter was to tell Mr. Warder how to proceed, and he did all the work, did he not?—A. He did all the work, but did it under my direction. That is all a lawyer generally does. All a lawyer generally does is to advise his client, unless he appears in court for him. There was no court for me to appear in this case, but if there had been I should have appeared.

Q. In this case where you received the twenty-five per cent. you did more work though than simply advise, did you not?—A. In such cases there is sometimes a great deal of work and sometimes very little work.

By the CHAIRMAN:

Q. Did you consider it professional to counsel and advise a party how to get a bill through Congress?—A. I do not consider it as unprofessional.

Q. I am asking your idea of the profession.—A. I do not consider it unprofessional.

Q. I asked you if you considered it professional to aid a party in getting a bill through a committee when there are members of Congress there for the purpose of taking care of public interests; and you say you do not consider it as unprofessional?—A. I advised——

Q. I am asking your idea about it?—A. I do not think it unprofessional.

Q. Did you think it unprofessional to take that five-dollar bill?—A. I did not take it as a lawyer; I took it as an amusement.

Q. Please explain what amusement there was in taking a five-dollar bill?—A. Five dollars is no money. That man had been trying to use me. He was a detective, and I amused myself with him for two or three weeks until I got tired and quit him. We were in a drug store, when he pulled out five dollars, and proposed that we take a glass of soda. I took a glass. It was in Thompson's drug store, I think, on the 4th of July. After we drank the soda he said, "You may want to buy more soda to-day, take this five dollars;" and I did take it.

Q. And you kept it.—A. I did.

Q. And yet you say it was no money.—A. Very little.

Q. Yet as small as it was you took it as a fee.—A. I did not take it as a fee, because I had not been rendering any services. I took it as a gift.

Q. If five dollars was no money, why did you take it as a gift?—A. I think if any gentleman here should offer me five dollars I would take it now.

Q. I have no doubt of that, and I have no doubt you would keep it: but that is not what I am asking you. And you were smarter than the detectives, were you?—A. I think so, sir. I visited the chairman of the committee after that testimony was taken, and he thought I had fooled the detectives very cleverly.

ıat was the committee of investigation, was it?—A. It was a committee in ate of which Mr. Eaton was chairman, and he has since then often laughed ow I fooled the detectives.

y Mr. BLANCHARD:

. Hill, when did you cease to become a citizen of the State of Arkansas?— , sir, I do not know that I have ceased to be a citizen of Arkansas yet. A sidence in Washington does not necessarily lose him his citizenship.
here was your permanent home in Arkansas before you left there?—A. At ock.
ere you acquainted with Mr. Thomas M. Gunton, a late Representative from te?—A. Very well, sir, indeed.
ere you living in his district?—A. No, sir.
d you interest yourself in securing his re-election to Congress?—A. I did.
ean his election over the present incumbent from that district?—A. Yes, sir; ime.
en you have dabbled a little in politics?—A. Yes, sir.
hat did you do?—A. I wrote a number of letters down there to the leading cans of the district in which Mr. Gunton resides, stating to them that I thought l be better for them to vote for a man who had been in Congress and had some ice than to send a new man, and suggested that they vote for Mr. Gunton, and a great many of them followed my advice.
as Mr. Gunton re-elected?—A. He was, sir, at that time.
d you interest yourself in his canvass the last time?—A. I did not.
by did you write to Republicans?—A. Because I am a Republican, sir.
hen did you first go to Arkansas, Mr. Hill?—A. When I was ten years old,

d you ever run for office in Arkansas?—A. I think my name was put up there a candidate for Congress, but I did not run. I think 36 printers voted for me didate for Congress.
u say that you were assisting counsel for the Louisiana returning board be- Potter committee?—A. Yes, sir; I was employed by Judge Edmunds, the y of the Republican national committee.
ho were your associate counsel?—A. Judge Wilson, of the firm of Schella- t Wilson, was counsel in that case.
ıat did you get for that service?—A. About $500, I think.
w long were you in attendance on the Potter committee?—A. Well, probably . It was some time after the committee had been in session before Judge s sent for me. He said that I was familiar with Southern politics, and as Vilson wanted some one who was posted in such matters, he sent for me.
ere you familiar with Louisiana politics?—A. To some extent.
ve you ever dabbled in Louisiana politics?—A. I kept myself very well s to Louisiana politics.
l the Potter committee sit here or in Louisiana?—A. When I saw them they ting in the room up-stairs over this room.
did not accompany them to Louisiana, did you?—A. No, sir.
d for ten days' attendance on the committee you received $500?—A. That is, o; I am not positive.
d for giving advice in this case, which probably did not take ten minutes, you 0?—A. It took more than ten minutes.
w much of your time was occupied in working upon this matter?—A. I was ıpon frequently in connection with the subject. I remember when he first d me that two or three hours were spent in conversation in explaining what ıt he ought to do.

r Mr. BAYNE:

. Hill, you have been asked whether you were an attorney or not?—A. Yes, iswered that.
d you say you are?—A. I am licensed by the Supreme Court of the United ir.
w many cases have you had there within the last four years?—A. I have not l in any case; I am interested in some, though.
ve you appeared in any case in the last four years before that court?—A. Not o.
w many cases before the Supreme Court are you interested in?—A. I don't

ıy did you say you practiced before the Supreme Court?—A. I did not say I l before that court; I say I am licensed by that court.
what courts do you practice?—A. In the Court of Claims and before the Dep- ts.

Q. How many cases have you in the Court of Claims?—A. Well, I have one, which Mr. Stone here is interested, to the value of $6,000 or $7,000.

Q. Are you the sole counsel in the case?—A. I am leading counsel in the case, the attorney who has the contract from the party.

Q. Have you any claim other than that one?—A. Yes, sir; there are other cla there in which I am interested.

Q. Are you leading counsel in any other case?—A. Not in any other there.

Q. Do you practice here in the District of Columbia courts?—A. No, sir.

Q. So you are a practitioner in the Supreme Court and yet have never argue case there?—A. I never said that I was a practitioner; I said I was licensed by Supreme Court. A great many gentlemen are licensed by the Supreme Court a matter of——

Q. As a matter of courtesy?—A. Well, they desired the license.

Q. Do you remember the legislation in 1878 in reference to the Hot Springs of kansas?—A. Yes, sir; I have just been examined about that.

Q. It appears that a portion of the bill relating to the disposition of the I Springs in Arkansas disappeared from the regular bill in some way, and an inqu was put on foot in reference to the disappearance. Do you remember that?—A. Y sir.

Q. And you informed Mr. Harris D. Cummings, or somebody in the employment Harris D. Cummings, in Washington, that you knew the man who extracted that p tion of the bill from the sundry civil bill?—A. No, sir; I do not think I gave that formation to Mr. Cummings.

Q. Well, some one informed Mr. Cummings that you knew that fact, is that way of it?—A. I do not know what anybody informed Mr. Cummings.

Q. Did or did not Mr. Cummings ask you about it?—A. I do not know whether did or not. I do not know that I am acquainted with Mr. Cummings.

Q. You know Mr. Benson, don't you?—A. Yes; and I have just been talking ab him.

Q. He made some inquiries of you, did he not?—A. Oh, yes. Mr. Benson is a tective.

Q. Well, you gave those parties, upon inquiry, to understand that you could na the man who abstracted that portion of the bill, did you not?—A. I think I did gi them that idea. I may not have said that exactly; but I gave them that idea.

Q. They gave you a retainer in that case, did they?—A. They did not.

Q. Did you not give any receipt for a retainer in that case?—A. No, sir.

Q. Do you know Mr. H. W. Wallace?—A. I do not know that I do, sir.

Q. And you signed no receipt?—A. I do not say that. I state I did not sign a receipt for a retainer.

Q. Didn't you get some money?—A. I got $5 from Big Foot Benson.

Q. And you gave a receipt?—A. I did give him a receipt.

Q. Is that a correct copy of the receipt [handing printed copy to witness]?—A. do not know whether it is or not; I will look at it. No, sir; I never gave a receip to H. W. Wallace for $5.

Q. Are you quite sure about that?—A. I gave the receipt to Mr. Benson.

By Mr. LEHLBACH:

Q. Was it worded that way?—A. I don't know how it was worded.

By Mr. BAYNE:

Q. I will read it: "Received of H. W. Wallace $5 for obtaining above informatio which I agree to do, if practicable, or return the money, within forty-eight hours That was substantially the tenor of your contract, was it not?—A. I suppose th was it.

Q. Did you obtain the information?—A. I think I did obtain the information the asked for.

Q. Did you name the man who abstracted this page from the bill?—A. That wa not the agreement.

Q. Was this the agreement: "I can secure the affidavit of a reliable man withi forty-eight hours that a person who interested himself in the Hot Springs bill, an who has the control of money, was seen two or three times the night Congress ad journed conversing with King, the clerk who enrolled that part of the sundry civ bill, and was in the committee room several times, and ten minutes after Congre adjourned this person came out of the committee room and said, 'Well, they hav passed the sundry civil bill, but there is no Hot Springs bill in it.' The person wh said this claims to have a contingent interest in legislation on Hot Springs that woul be subserved by the defeat of any legislation, and he opposed the passage of any bill." That was the information upon which this was predicated. Just examine that.—A. [After examining the above statement in print.] I do not think I wrote any such ng as that. It is barely possible I did. I could have got that if I wanted to.

Q. Did you not promise to do it?—A. I did not want to.

Q. Well, you took the $5 to do it?—A. Well, that was nothing.

Q. Did you return the $5?—A. I would have if they had ever asked me for it.

Q. What brought this change over you after you had made that agreement?—A. I never intended to do it.

Q. Why did you take the $5 to do it?—A. I was fooling with these men. I just explained that, and explained why I was fooling with them. Two detectives were put on my track and I thought I would fool them.

Q. Were you fooling with Mr. Warder in this transaction?—A. No, sir; Mr. Warder is not a detective, as I understand it.

Q. But you were fooling with the citizens of Jeffersonville?—A. I was not fooling with anybody. I was just giving advice.

Q. Well, somebody has been fooled in this transaction, or else there is something a great deal worse in it. In that transaction you say you were fooling with these people. You told them a good many different stories, didn't you?—A. Yes, sir.

Q. Did you tell Mr. Warder a lot of different stories?—A. I was employed by Mr. Warder as an attorney, and I was not by those men.

Q. To argue a case where?—A. An attorney can sometimes give advice, as I understand, without arguing the case.

Q. Did you appear before a committee?—A. No, sir.

Q. Did you argue the matter anywhere?—A. No, sir.

Q. Did you draft any brief or bill or provision?—A. I made a memoranda for Mr. Warder.

Q. Did you draft any provision of this bill?—A. I gave the memorada to him.

Q. Did you put anything in legal phrase to be put in the bill?—A. I don't think I did.

Q. Did you put anything in shape?—A. I don't know that I did.

Q. Did you prepare any brief of authorities?—A. I think I did, and gave it to Mr. Warder.

Q. What was that brief—a citation from what books?—A. I cannot recollect now.

Q. Was it a citation from any authority?—A. I didn't think any authorities were necessary.

Q. Did you examine any law books to find any authorities?—A. I didn't think it was necessary.

Q. What was your brief constituted of?—A. It was a statement of the proper method to be pursued in getting legislation in the bill, and the manner in which the legislation should be worded.

Q. Did you draw the formula?—A. I am not certain.

Q. What was the formula?—A. I am not certain what I did. My idea was this, that instead of trying to get a bill for a levee through, the effort should be made to get an appropriation for the improvement of navigation and the protection of Government property. That was the idea I gave him and I wrote that out. I did not draw up any amendment to the bill.

Q. Did you know that Mr. Stockslager, the representative of that district had drawn a bill?—A. I didn't know it until Mr. Blanchard told me this morning.

Q. In this Hot Springs case, as I understand your testimony here, you were really aiming at keeping Hot Springs legislation out of the sundry civil bill?—A. Not all, but that particular legislation.

Q. Your aim was to keep that out of the bill?—A. Yes, sir; and because I had done that these men thought that I had something to do with the abstraction of the missing bill.

Q. Were you employed to do that?—A. I was.

Q. By whom?—A. By Col. William G. Patton, of Little Rock.

Q. What fee did you get for that?—A. Five hundred dollars.

Q. And you took $5 from the other side to furnish the name of the person who abstracted this legislation?—A. I did not take it as a fee as attorney.

Q. I did not say as attorney, but as a man you took $5 to furnish the name of the person who took this sheet?—A. That had nothing to do with defeating the legislation at all. After the legislation was over these detectives got after me and I fooled them for two or three weeks, and they took my receipt, as I supposed, to get this money back from the United States Government.

Q. You say here, in your testimony before the special Senate committee which investigated the abstraction of this section from the sundry civil bill, that "I pretended to him [Senator Conover] that I knew something about it, for certain reasons and I wanted to keep the subject alive before the public, because I was an attorney, on the other side, and so bring it before this Congress and defeat what I considered improper legislation. I think Mr. Ferris informed me on the night of the interview I had with him that he had been informed by Mr. Benson that Conover was the man. During the time I was giving Benson this information, I heard read the affidavit of Mr. Benjamin, a lawyer of Little Rock, stating that I had told him on the morning that the Congress adjourned that the bill was lost. I had told him so in the evening after reading the Evening Star, and I immediately went the next day and made an

Q. "Nothing;" that is your answer.—A. Yes, sir.

Q. I will read further: "Q. You have no clew to offer to the committee?—A —A. Precisely; I had no clew to offer to that committee.

Q. Did you mean by that that you had a clew, but would not offer it to mittee?—A. I believe if I had been employed I would have.

Q. Then you mean you had a clew, but you did not offer it?—A. Yes, sir.

Q. Were you not sworn by that committee to tell the truth, the whole t nothing but the truth, in that matter?—A. Of course I was, sir.

Q. Have you been engaged within the last five years in procuring the p the inclusion of any proposition, or the exclusion of any proposition from tive bill, or the abstraction of any legislation from a bill after it has been by Congress?—A. I certainly have not been engaged in the abstraction of a

Q. Have you been engaged in the propagating of any piece of legislatic tried frequently to get propositions upon bills.

Q. And been employed to do that service?—A. Yes, sir.

Q. Will you state some of the instances?—A. Oh, I cannot, sir; I have tri bills through Congress time and again; to get all claims out of Congress is I have tried to do.

Q. Will you name one of these cases?—A. Yes, sir; the Bowman bill I think, entirely myself.

Q. You say you drafted the Bowman bill?—A. I think I did; I know I dozen bills upon that subject, which were referred to different committees, been a committee appointed to take charge of this matter of getting throug tion which would take claims out of Congress and throw them into court. nebaker and myself drafted several bills in our endeavor to get one through

Q. Were you paid for that service?—A. No, sir; because it was to get our out of Congress and before the court.

Q. Now, what other bill?—A. I do not know; I say I cannot remember.

Q. Oh, certainly you must remember some instances. Is your practice so g you cannot recall some cases?—A. I can name private bills before Congres a b ll before Congress now, and the only one I have, for the relief of Jame for the loss of sugar and cotton. I had a bill before the last Congress and thought of putting it before this, for the payment of awards of a milit which sat out here near Fort Stevens, and which awarded some $90,000 of payment of property destroyed when General Early came so close to Washi had it in the last Congress, and the one before, and the one before that, an an elaborate argument on the subject.

Q. And that bill you have not introduced in this Congress?—A. No, sir; I have been considering the propriety of going before the Secretary of War, him consider the advisability of putting it before Congress.

Q. What others?—A. I cannot remember. I have had many at different t

Q. You remember one case in the Court of Claims in which you are leading What other cases have you in which you are leading counsel?—A. Mr. Morr case there, and I have been assisting him in it.

Q. Cannot you state names?—A. I remember one that has been before the

tion?—A. I have not been at the Capitol any other time. I do not think I saw him except that time

Q. Did not you and Mr. Warder and Mr. Stealey meet in the room immediately back of the House—the lobby room there—soon after the introduction of this resolution?—A. No, sir.

Q. Have you been at the Capitol frequently since the introduction of this resolution?—A. I think only once, which was last Saturday.

Q. You think at no other time?—A. No, sir.

Q. And have not met them anywhere except this one time since the introduction of the resolution?—A. No, sir.

Q. Then you had only one meeting, and that with Mr. Warder, since the introduction of this resolution?—A. I have seen him, but have not talked with him.

Q. That is what I mean, that you have had but one talk with him since the introduction of this resolution?—A. That is all.

Q. Where was that talk?—A. Up in the corridor.

Q. It was in the lobby immediately back of the hall of the House, was it not?—A. No, sir.

Q. Where was it?—A. It was up near the entrance to the door of the Committee on Elections. I think it was there; yes, I know it was.

Q. And that is the only time you have had a conversation with Mr. Warder since the introduction of this resolution?—A. Yes, sir; that is the only time I have had any conversation with him.

Q. Have you had any conversation with Mr. Stealey since the introduction of this resolution?—A. No, sir; I have not had any talk with him about this resolution.

Q. I want to put an inquiry or two to you in reference to those receipts. The money was paid to you by Mr. Warder, was it?—A. Yes, sir.

Q. And you gave him the receipt?—A. Yes, sir.

Q. Where was the $250 paid?—A. At my office, sir.

Q. Where was your office at that time?—A. 1305 E street northwest.

Q. At what time in the day was it paid?—A. About 8 o'clock at night, I think, sir; somewhere about that time.

Q. In what denomination was that money paid?—A. I don't know.

Q. Where was the thousand dollars paid?—A. In the room of the Sergeant-at-Arms of the House.

Q. Do you remember the denomination of the bills?—A. I do not. The money was rolled up and the amount contained in the package was marked thereon, and Mr. Warder said to me, "Here is a thousand dollars." I think it was in fifty and twenty dollar bills mostly. I am not positive, though, about that.

Q. Was anybody present when this money was handed over?—A. I suppose there must have been a dozen men in the room.

Q. Do you remember anybody then present?—A. I didn't pay any attention. I attended to my business and went away as soon as I had finished it. If I had noticed anybody there then I would not remember them at this time. It was a matter I did not try to charge my memory with.

Q. Did you keep a deposit account anywhere at that time?—A. No, sir; I never did.

Q. Where did you keep this money?—A. In my pocket, sir.

Q. Did you carry a thousand dollars around in your pocket?—A. Yes, sir; and sometimes I have carried a good deal more.

Q. When did your carry more?—A. I have carried $2,000 and $5,000 around in my pocket often.

Q. When?—A. That was many years ago. I carried $2,000 in my pocket when I was paid my fee in the Mills case, of which I have testified, until I used it.

Q. Just carried it around in your pocket until you used it?—A. Yes, sir; I always carry my money that way when I have any, and I usually have a little.

Q. Did you make the demand for this fee? I will first ask you who fixed the fee for the services you were to render in this case as between you and Mr. Warder?—A. I did, as I always do.

Q. How did Mr. Warder approach you, and how did you approach him on the subject?—A. I have already stated that to the committee, and I will do it again. I got acquainted with him on the floor of the House, and we talked a good deal about levee matters. He then spoke of some levee business he wanted to bring up, and after he had talked with me two or three times on the levee question he seemed to be very much interested in it. I suppose I impressed him with the idea of levees and possibly legislation in connection therewith, so deeply, that he finally asked me what he ought to do. I said that if he would pay me I would tell him. I told him I was a lawyer, and worked for money.

Q. Then he said he would pay you, did he?—A. He asked me what I would charge, and I told him $250 before I would do anything, before I would give any advice, and $1,000 if I got the bill through.

Q. And you were to get it through? That was part of the contract?—A. I did not

agree to get the bill through Congress, because it was too uncertain. I agreed to do the best I could.

Q. Did you get $1,000 when you got the bill through?—A. I did when it went through.

Q. Consequently, whether you rendered any services or not, if the bill went through you were entitled to $1,000?—A. Yes, if I did not say a word. But I did give him good advice, and, acting upon which, he got the bill through.

Q. I suppose Senator Harrison had little to do with it. You and Warder did it all?—A. No, sir; but that he gave Senator Harrison the proper idea.

Q. And Mr. Stockslager's importunities to the House conferees had very little to do with it?—A. I gave Mr. Warder advice, and I think the advice I gave to him he gave these gentlemen.

By Mr. LEHLBACH:

Q. You are an attorney, and have been an attorney on several cases here, in which you state collections were made, &c. Do you keep a bank account?—A. No, sir.

Q. In collecting money for clients at a distance it is usual to send them a draft for their funds. Did you ever do that—I mean collect money for clients at a distance?—A. No, sir; I never collected money when they were not here.

Q. When you collected this claim of $9,000, how did you pay it over to your client?—A. The man was here when the money was collected, and he paid me the money in my office.

Q. Have you a family?—A. Yes, sir.

Q. Do they reside in Washington?—A. Yes, sir.

Q. Where do they reside?—A. 1423 Corcoran street.

Q. Did you count this money in the Sergeant-at-Arms's room?—A. I did not.

Q. Did you count it at any time?—A. I did.

Q. Was there $1,000 in it?—A. Yes, sir; a thousand dollars.

By Mr. BLANCHARD:

Q. Mr. Hill, have you ever been engaged at any time in a canvass between political parties in this country?—A. Yes, sir.

Q. What States were you employed to canvass?—A. I canvassed Indiana in 1880.

Q. Did you in any other States then or subsequent to that time?—A. I have not been able to do much since then. I attempted to canvass in 1884, but my lungs hurt me so I found I could not make any speeches.

Q. Were you paid for your services in that connection?—A. I was not paid a cent except my expenses. That is work I do voluntarily, sir.

By Mr. CLEMENTS:

Q. Who paid your expenses in that campaign?—A. The National Republican Committee, sir.

By Mr. BLANCHARD:

Q. Were you engaged by that committee to make that canvass?—A. I was, sir.

By Mr. BAYNE:

Q. Who engaged you?—A. Stephen W. Dorsey, sir, the secretary of the committee.

Q. Where were you to do your work?—A. I was to speak wherever I was ordered, and I did speak in Indiana.

By the CHAIRMAN:

Q. Have you a bar association in Washington?—A. There is a bar association, yes, sir; but I am not a member of it. There is an executive committee, as it is called, of the Court of Claims bar, of which General Denver is chairman, and that committee two years ago was composed of J. W. Denver, chairman; Gilbert Moyer, William Penn Clark, A. L. Merriman, and Charles Pennebaker.

Q. That was not a committee of the bar association?—A. No, sir; it was a committee suggested by members of the Court of Claims bar for the purpose of getting legislation to take claims out of Congress. That was the only object we had in view, sir.

By Mr. ELLIS (counsel):

Q. Did any portion of the money which Mr. Warder paid you ever pass into the hands of any Senator or Representative or any employé of the House or Senate?—A. No, sir.

Q. I think you stated you had no conversation with Mr. Warder or his counsel?—A. I did not say counsel, sir; I referred simply to Mr. Warder.

Q. You had a consultation with me?—A. Yes, sir.

Q. Tell all about it.—A. Some two or three weeks ago you showed me this receipt, and I said that it was written in my handwriting, and that I had received the money. I also said that if it was necessary you might call me at any time to verify the matter.

SATURDAY, *April* 17, 1886—11 o'clock a. m.

Committee met pursuant to call.

The CHAIRMAN. The sergeant-at-arms has sent word that Mr. E. N. Hill, who was summoned to appear before the committee this morning for further examination, is sick and is unable to appear to-day.

Mr. STONE. I desire to make a statement. I find on page 104 of the printed record of this investigation, in the testimony of Mr. E. N. Hill, the following:

"Q. How many cases have you in the Court of Claims?—A. Well, I have one, in which Mr. Stone here is interested, to the value of $6,000 or $7,000."

I think that is possibly a mistake of the stenographer to some extent. I understood the witness to say that he had a claim of which I had knowledge of the value of $67,000. Now, the fact of my connection with or interest in it was this: A gentleman living in my district, Col. Jerry Poore, of Golden City, Barton County, Missouri, wrote to me some time since——

The CHAIRMAN. Since you have been in the House?

Mr. STONE. Yes, sir, within the last two or three months—that he had a sister, Mrs. Osborn, of Louisiana, who had a claim for sugar taken during the war by troops (confiscated in some way, I do not know how; but at all events taken) pending here before the Court of Claims, and that he was looking after it for her.

The CHAIRMAN. Who was?

Mr. STONE. Col. Jerry Poore, a constituent of mine, who wrote me that he was managing it for this widowed sister of his, and that Mr. Hill and Mr. Moyer were the attorneys in the case. He asked me to see what condition it was in and report to him. I went to the Court of Claims one day and got an epitome of the record, and sent it to him. He then wrote to me for some further information about it (I really do not remember now what it was) and I addressed a letter either to Mr. Hill or Mr. Moyer asking for the information. It was answered, and I forwarded that letter to Mr. Poore. That is all I know about it. I never saw Mr. Hill in my life until the day he was examined here, and I never had any communication with any of the attorneys connected with the claim or had anything to do with the claim other than I have stated.

The CHAIRMAN. And do you not know who wrote to you, whether Mr. Hill or Mr. Moyer?

Mr. STONE. I really do not remember whether Mr. Hill or Mr. Moyer wrote me.

The CHAIRMAN. You had no connection at all with the case, but only had an interest in it as a Representative serving your constituent, and simply got such information as these people desired, as I understaand it.

Mr. STONE. I have stated all I know about it. It is a claim for $67,000, however. I know that Mr. Hill is the leading attorney in that case, and has control of it. I learned that from the papers.

Mr. LEHLBACH. I do not recollect the testimony exactly, but at the time Mr. Hill made his statement here I took it that he meant by his statement that you were associated with him as counsel.

Mr. STONE. No, sir. I understood him to say that he had a claim of which I had knowledge. It appears here in the record that it is a claim in which I am interested to the extent of six or seven thousand dollars. That is the way it stands in this record, and I simply wish to state that I have no interest in the matter except as I have already explained.

Hon. DANIEL W. VOORHEES, being duly sworn, testified as follows:

By Mr. BAYNE:

Question. Senator, please state your name, &c.?—Answer. Daniel W. Voorhees. My residence is Terre Haute, Ind. By occupation I am a lawyer, but am now a Senator from the State of Indiana, and have represented Indiana in the Senate for the last eight or nine years.

Q. Do you remember, Senator, the securing of an appropriation in the river and harbor bill of 1884, for the improvement of the Ohio River at Jeffersonville, Ind?—A. I do.

Q. Now, just state, if you please, what you know about that.—A. I recall the fact that I introduced, as I remember now, an amendment designed to be offered to the river and harbor bill when it came from the House, and I had that amendment referred to the Committee on Commerce, which has control of such matters in the Senate. I do not now recall the amount asked for in the amendment. It seems to me it was perhaps $75,000. I have not looked up the record in regard to this matter, and of course my memory might be at fault about some of the details, because I was doing a great deal of that kind of work for the Ohio River at that time. Consequently I do not remember accurately the amount, but it was something between $50,000 and $100,000.

Q. There was an amendment put upon the bill in the Senate appropriating $50,000.—

A. I know that, but I was speaking of the amount specified in the amendment offered by me. It was in excess of that, but I remember we finally got an appropriation of $50,000.

Q. Senator Harrison said that you and he consulted together.—A. Yes, sir.

Q. And he says you intended to propose an amendment, and he advised that it was necessary first to get a recommendation from the War Department, and a resolution was introduced and passed in the Senate calling for a report from the War Department, and in response to that resolution a recommendation was received from Colonel Merrill.—A. Yes, sir. My recollection is that he claimed the jurisdiction of Congress over the matter, because of the Government property involved.

Q. Did you see Mr. Stockslager, the Representative from that district, while this matter was in progress?—A. I presume I did, and yet I do not remember that as an independent fact. Having taken such an active interest in the matter, and aiming to do all that was necessary in regard to it, and seeing so many persons in connection with the appropriation, I cannot recall all those with whom I conversed. At that time the Ohio River was overflowing everything on the Indiana side, and I was struggling to get an appropriation for Lawrenceburg and likewise for Jeffersonville, and the result was that we did get an appropriation for Jeffersonville.

Q. But you remember that Senator Harrison and yourself conversed about it?—A. Oh, yes, certainly, I remember talking with the General.

Q. Do you remember having conversations with anybody else about it outside of Congress?—A. I remember of Mr. Jonas Howard, who is now a member of Congress, being here or coming here upon that special business with some other gentlemen from Jeffersonville. They were with me in my committee-room and disclosed to me the exposed condition of their town. We had quite a long and full talk on the subject. Now, I do not remember, although my recollection might be refreshed in this respect, of talking with anybody else. Doubtless I talked with Mr. Stealey. I presume I did, but I do not recall the special fact. It is very probable that Mr. Stealey was present when Mr. Howard came to my committee-room. I should say perhaps he was there.

Q. Did you have any conversation with Mr. Warder?—A. I have no recollection of talking with Mr. Warder at all on the subject, and yet I may have done so. Mr. Warder may have been with this party in my committee-room. How was that, Mr. Warder [addressing Mr. Warder, who was sitting near the witness]?

Mr. WARDER. Yes, sir; I was one of that party.

The WITNESS. I have no doubt that is correct. Now, that I come to think a little more about I do recall Mr. Warder's presence there with Mr. Howard.

By Mr. BAYNE:

Q. That was a committee from Jeffersonville, was it not?—A. I understood it to be a committee from Jeffersonville, which came here in the interest of the safety of their town.

Q. Do you know a man by the name of E. N. Hill?—A. I do not.

Q. He resides in the city of Washington.—A. I have heard that he did. I never met him, to my knowledge; and yet I wish to say, Mr. Bayne, that I meet so many people it is possible I may have met him and talked with him on the subject, but not to my recollection. I would not know him if he should come into this room at this moment.

Q. This appropriation was secured in the Senate by whose efforts?—A. Well, I should say by General Harrison's and mine.

Mr. BAYNE. I should say so, too.

Mr. LITTLE. Have you any recollection about any attorney being employed, or having anything to do with the securing of this appropriation before the Senate?

The WITNESS. I never heard of that before this investigation began.

Q. If it were so, would not such a fact as that impress itself upon your mind?—A. It may have been true, but I never heard of it until recently. It would not be probable that an attorney would approach me, or anybody but the citizens of Jeffersonville, upon the subject, because my aid was voluntarily and cheerfully given. I was eager for the appropriation, and no citizen of Jeffersonville could have been more so. I simply say that I know of no such employment, and no such person as a special attorney.

Mr. BAYNE. I will ask you, Senator, when you first heard of the raising of a sum of money in Jeffersonville for the purpose of promoting this scheme?

The WITNESS. Who was the first witness testifying in this investigation?

The CHAIRMAN. Mr. Glass.

The WITNESS. Well, the first witness who testified here made that disclosure, and that was the first I heard of it.

Mr. BLANCHARD. Mr. Brown was, I think, the first witness we had.

The WITNESS. Well, I mean to say that I heard of this for the first time when Mr. 's testimony was published in the papers.

Mr. CLEMENTS. And that was since this investigation began?

he WITNESS. Yes, sir.

r. BLANCHARD. I will ask you, Senator, if you think there was any necessity atever for the employment of any attorney to forward this appropriation in the ate?—A. Not with me, and I presume, I will say of course, not with General Harson. I can only answer for myself. I do not know that there was the slightest cessity for such employment at our end of the committee. If the committee will ow me the privilege, in my representative character, I will state as a Senator that can easily understand how people nearly drowned, and those not drowned very arly scared to death, by the flood, might, without meaning any corruption, raise a ttle money, not for buying anybody, but to defray expenses to have their interests oked after. In doing so they would make a mistake and would do a needless thing, n my judgment, but not necessarily a corrupt or improper thing.

Mr. BAYNE. I do not think anybody impugns the motives of the citizens of Jeffersonville who were so eager for this appropriation.

Mr. THOMPSON (counsel). I understood you to say, Senator, that as far as you are concerned you did not even hear that the citizens of Jeffersonville employed an attorney.

The WITNESS. I said so.

Q. Had you heard that the city council of Jeffersonville directed Mr. Warder and Mr. Stealey to give this thing special attention?—A. I think I can answer that in this way: I understood that there was either a committee proper, or that there were some persons charged with the duty of looking after this matter. I recall it in that shape, for the reason that persons in that capacity waited upon me and talked it over, and I am now distinctly reminded that Mr. Warder was one of them. I was not certain at first, but now it comes back to me. They met in my little Library Committee room upstairs, and I remember now very well that Mr. Howard was there also. We talked the matter over, and in that way I get a strong impression that both Mr. Howard and Mr. Warder were two of the parties who had this matter in hand in a representative capacity from their town.

Q. Mr. Warder is a citizen of Jeffersonville, is he not?—A. Mr. Warder is a citizen of Jeffersonville.

At this point the committee adjourned subject to call.

WASHINGTON, D. C., *Saturday, May* 1, 1886.

The subcommittee, consisting of Messrs. Blanchard, Stone, and Bayne, visited the residence of Mr. E. N. Hill, in Washington, for the purpose of further interrogating him in regard to the subject-matter under inquiry. Hon. Philip B. Thompson accompanied the subcommittee as counsel.

Mr. E. N. HILL was recalled and further examined.

By Mr. BAYNE:

Question. In your previous examination you said that you received this money, $250 at one time and $1,000 at another time.—Answer. Yes sir.

Q. And that you did not deposit the money in any bank, but carried it in your pocket?—A. Yes, sir; I have not deposited any money in a bank since 1875, except some collections made through banks.

Q. Did you pay off any indebtedness at that time with that money?—A. I do not know how I used the money; I used it in my living. I distinctly answered that I did not use any of that money for any member of Congress or any employé of the House, and I think that is all that the committee has any right to inquire about.

Q. The committee have the right to trace the matter as far as possible, to ascertain the whole truth.—A. I have told them the full truth as far as I know it. I do not think the committee has any right to inquire into my private business or the disposition of that money, except to know that I did not use it for any member of Congress or employé of the House, and that I have answered.

Q. But it was an employé of the House that gave that money to you.—A. That he had a perfect right to do. He employed me and paid me; he did not do that as an employé of the House, but as the agent of the people of Jeffersonville; at least he so represented to me.

Q. In your testimony before the committee which was investigating the Hot Springs affair, you have stated, I believe, that you really did not know what became of the portion of the bill relating to the Hot Springs, that seems to have been dropped out, although you represented that you had—that you did know?—A. In my previous examination that question was brought up. I cannot possibly see what effect it has upon this at all. I answered the question then, and explained to the commit-

tee that I found some detectives had been following me around to find out
and that I used every effort that I could to fool those detectives. I find th
existing now. I do not know where the detective came from, but I find tl
been endeavoring to watch my house. I do not know who he is or what h
but if I could get hold of him I could probably find out, even as sick as I
swered that question very fully, that I did not know where it went to. Bı
stated to Mr. Rayner, that I believed if I was employed by the Governme
find out where it went to.

Mr. BAYNE. As to any detective that may be about here, I know notl
those things at all.

The WITNESS. I know that a man named Bissell has been put upon my t
has been by my house half a dozen times, and I have been informed by
who happens to know me and is my friend that he was doing it.

Q. Did you give to the correspondent or reporter of the Post an account of t
in which the portion of the bill relating to the Hot Springs came to be om
it?—A. I gave it to Mr. Ferris, I think. He was a reporter of the Star, if
rightly; I do not remember. He came to my house and asked me what I k
it, and I told him what I thought.

Q. There appears to be recited here on page 58 of a report made to the
Congress, a statement which purports to be what you said to the reporter c
[handing to the witness Senate Report No. 784, Forty-fifth Congress, third
A. This is about the Hot Springs.

Mr. THOMPSON. I would like to submit a question of law to the subcor
this investigation, and that is that this matter is irrelevant from this s
Mr. Hill is called as a witness by the committee themselves. He then, of
comes a witness for the prosecution in this investigation, and it is not co
call Mr. Hill as a witness in the case and then undertake to destroy the
which he gives by an outside matter of this kind, unless the committee wa
surprise in what he said when they called him as a witness. In other wor
that it is not competent for the party producing the witness to destroy th
of the witness simply because it is not what he expected it to be, unless h
by surprise in the statement that the witness has made. While I know tha
rules of law are not always held to by investigating committees, yet this
totally irrelevant to the question being investigated by the committee that
I ought to interpose in behalf of the gentlemen who are being investigat
submit the question with all due deference to the committee that it is in
the issue to go now into matters, outside of the investigation, with whic
may have been connected reputably or disreputably in the opinion of the c

Mr. BLANCHARD. I do not think that we are bound in this investigat
strict rules of evidence which obtain in courts of law. This committee is
Mr. Hill, Mr. Warder, or Mr. Stealey. We are merely appointed by the H
vestigating committee to get at certain facts, and it seems to me that in o
that the rules of evidence which obtain in courts ought to be very muc
That is my opinion about the matter. I submit the question to the sub
and I should be very glad to hear their views on the objection which has bee

Mr. THOMPSON. The investigation that was submitted to the committe
deferentially, is the investigation of Messrs. Stealey and Warder in conne
the expenditure of money for the purpose of influencing members of Co
not in any way the connection of Mr. Hill, the witness who is called, with
side matters, the Hot Springs reservation, and all that. That could only,
state of the case, even by an outside party, be called up for the purpose o
down the testimony of Mr. Hill and impeaching him as a witness, and thro
in the world upon the issues that the committee are investigating. Now
not—I say it respectfully, Mr. Hill is present—even if you could prove and
he was the veriest penitentiary thief in the world, throw any light on the
tion except to attack his credibility as a witness now being called. If he i
ible, throw him out of the case; if he is credible, then believe what he s
is all there is in it.

Mr. BLANCHARD. Mr. Hill, as a witness, no matter by whom called, has
tain statements pertinent to this investigation and affecting these gentlem
of this wrong doing, and, so far as I am personally concerned, I am clear in t
that we have a right to scrutinize closely Mr. Hill's conduct, to sift his tes
rigid examination or cross-examination, in order to find out how much of
we are to give to his statements in this regard. I say that, of course, with
to Mr. Hill.

The WITNESS. That is unquestionably true, Mr. Chairman. I am a law
and I think your point a good one. You have a right to sift my testimony
to this matter. I might and could have stopped the going into outside m
re the committee, by refusing to answer these questions, with perfect
I did not do it, for I care nothing about it. There is nothing about m

Hot Springs matter that is at all discreditable to me, or my connection
ɔr matter, so far as I know, and therefore I answered the questions. I
as the object of gentlemen on the committee to try to discredit my testi-
ınd I thought I would give them the full swing of it. When you settle
will answer the question.
HARD. I will submit the matter to the gentlemen of the subcommittee.
ou have heard the objection raised by the counsel.
I do not think myself that the rules of law with respect to the rights
t in a criminal case are applicable to an investigation of this sort. The
is investigation is to ascertain the connection of all the parties concerned
dings of the Congress of the United States, and Mr. Hill, by his own
one of those who took a fee to accomplish certain ends, to obtain the
certain legislation, and his whole conduct in connection with that affair
ıirs of a public nature is clearly, to my mind, the subject of investigation.
ying Messrs. Warder and Stealey upon an indictment, but we are in-
ıeir relation to legislation. We are not investigating the proceedings
of Representatives. We are investigating Mr. Hill's relations to them,
Hill has been brought in this close connection with these two gentlemen
testimony. I do not see that any such narrow rule as suggested by
ı applies at all.
SON. The resolution only authorizes the investigation as to the connec-
arder and Stealey, who are officers of the House, with the matter, but
connection with it, Mr. Hill not being an officer of the House.
The resolution embraces all officers of the House, these two and any
nk that is the language of the resolution; that it says any officer of the

SON. Mr. Hill is not an officer of the House.
You think it is limited to those two officers?
SON. The resolution reads that the committee are to investigate the con-
fficers of the last House now employed in the present House.
:. This is what the resolution says. I will read it:
there was pending in the Forty-eighth Congress a bill containing, among
s, an appropriation of $50,000 for a certain improvement of the Ohio
ear Jeffersonville, Ind., known as the Jeffersonville levee appropriation;

it is charged by a reputable citizen of Indiana that during the pendency
ıre a person or persons, then officers of the House of Representatives,
ected, and accepted from a person or persons interested in the success of
opriation a large sum of money upon the pretense or for the purpose of
ongress, or some committee thereof, or members or Senators in their offi-
ereon; and
it is also charged that the person or persons so exacting, collecting, and
d sum of money for the purpose aforesaid are officers and employés of
Therefore,
ved, That the Committee on Reform in the Civil Service be, and is hereby,
inquire into the truth of said charges and report the facts to this House;
the said committee to thoroughly investigate said charges, it is hereby
send for persons and papers; and a sum sufficient to defray the neces-
of this inquiry is hereby appropriated out of the contingent fund of the

ad enough for any purpose, it seems to me.
ss. It is broad enough to investigate those officers, but as I happen not
er of the House it does not include me.
HARD. It is clear that it does not include any one but officers of the House,
confined to any two officers of the House.
SON. It includes two employés of that House who did that thing, and
resent employés of this House.
. The manner of the examination of witnesses by committees is very dif-
nature from the examination of a witness on the stand in a criminal case.
courts this character of testimony would clearly be excluded, especially
ght to bring it out by the person introducing the witness, partly because
rrelevant and partly because you cannot discredit your own witness.
to me from what little I know about investigations of this kind, that
ss is put upon the stand, no matter who puts him on the stand, he is sub-
s-examination by the committee itself, or some member of it. Take this
investigation that is going on here now; I suppose we all read the re-
the morning papers. Some members of the committee examine as if in
me other members cross-examine; it is a two-sided arrangement. If Mr.
stand and this committee or any member of it has the right to go into
ature of cross-examination, why I am inclined to think, as a naked legal

proposition, it is competent to ask the witness on that sort of examination specific acts, for instance to ask whether he had been in the penitentiary. It d follow that what he testifies to now is true or untrue, but it goes to the credib the witness.

Mr. BAYNE. Yes, that is the point.

Mr. STONE. As I understand it, Mr. Bayne is proceeding as in the nature of examination.

Mr. BAYNE. Yes, that is just it.

Mr. STONE. And if this was true, Mr. Chairman, on examinations of this kin a member of a committee could not cross-examine, could not ask any quest yond what the person putting a witness on the stand in a court could ask, would be very difficult to get at any facts. The other party, the person you quiring about, might decline to put witnesses on the stand, and object to yo ing anything, except in a general way, leading questions, or anything in the of cross-examination, and of course you are practically at the mercy of the investigated.

Mr. BLANCHARD. It is the sense of the subcommittees, I understand from th marks, that these questions are proper and pertinent, and the objection, there far as the subcommittee can do so, will be considered overruled.

Mr. STONE. I do not see, so far as this Hot Springs matter is concerned, wh ticular pertinency it has to this investigation, what figure it cuts with it at all, especially for the purpose, as suggested by Mr. Thompson, of discrediting th ness, and if that is the purpose, it seems to me that it is not altogether incom on that ground.

By Mr. BAYNE:

Q. Will you look at page 58 of this document, which I hand you, at what pu to be an interview published with you, the substance of which you gave Mr. to publish in the Post?—A. The interview is not correct. I do not know that ever read it before. Mr. Ferris came to my house and talked with me about th he has put expressions in my mouth that I never used. For instance, he sa said I would beat the bill in spite of hell, but I meant that I would go to the Pre and lay the whole matter before him." I did not use that expression; I am the habit of doing so. He says, "I went to Dorsey's house the very morni gress adjourned, and asked him what he meant by putting detectives on my t That is not true. I went some weeks after Congress had adjourned and told was satisfied that he had put detectives on my track, and asked him if he ha asked me to do anything for him, or get anything for him since I had been in ington that I did not try to do or get, and why didn't he send for me. He deni detective business, but I rather thought he stretched the truth in doing that.

Again, he says, "It will do for some people to say the omission was an accide I know better. I can prove that the pages of the bill which were omitted we to New York to certain parties that very morning." I did not say anything o sort. "Rainey was reading and the clerk was writing, and just before he got t bill he gave another clerk who was in the room and understood the game a no did not say that. Mr. Rainey was a member of Congress, and I did not say an of that sort. I said one clerk relieved another just as they got to that part bill, and when they went to read the bill after it was engrossed this same clerk what he had written.. I did not say this: "The Post was right about two me of Congress being in it; Conover and Rainey knew all about it." That is an in lie; I never said any such thing, and I want to characterize it in the very str kind of language. As for the detectives, he says, "The thing was paid for, and I just into whose pockets the money went." I never said that. "I made fools two detectives who were sent after me; one of them played sharp and introduc other as a wealthy citizen of Pennsylvania, who wanted certain information for he was willing to pay." That is true. "He wanted to pump me, but I am not able." I guess that is true. "I have been in the newspaper business too long for That is true. "They sent the leaves of the bill to New York to show the who had the money that the thing had been done all right." I did not say that am going to New York Friday, and if you see me when I come back, about th of next week, I think I will have matters so that I can tell you all about it." not say that—not to Ferris; I may have said it to those detectives.

Q. But not to Mr. Ferris?—A. No, sir; not in that interview.

Q. Or to whoever reported this to the Post you did not say those things?—A not say what I have repeated there.

Q. You have qualified your statement, then?—A. I do not qualify my stat but I simply say that statement is not true, and I did not say it.

Q. You select from this page, 58, certain things which you say you did not sa Yes, sir; I may have said a great many such things; I want to be distinctly tood as to these two detectives, for I told them all sorts of stories; I told the com

examined me that I had told them all sorts of stories because I was trying to out what they wanted, and I did find out, and found out who employed them; was what I was trying to do with them; they were trying to pump me and I trying to pump them; I do not think any ordinary detective is competent to me.

Although you did not say these things to the reporter of the Post, you may have all those things to one of the detectives?—A. Yes; I may have said such things detectives, only I never said that Conover and Rainey had anything to do with anybody.

Why did you say those things to the detectives?—A. I have just explained that ted to find out what they were doing, and I was trying to fool them to the top sir bent, and I did.

In point of fact, you did not know these things that were laid to you, and that ave denied as having said in this interview?—A. No, sir; in point of fact I did now them. I had my theory about those things, and I thought, as I said before, s I told Judge Raynor, if I was employed by the Government I thought I could ut how that was lost. Judge Raynor went to the Secretary of the Treasury, herman so he informed me, and tried to get him to employ me because he was sat- I could. Every morning while I was with these detectives I wrote out every- that passed between us and put it in a sealed envelope, and carried it to Mr. C. more, and put it in his safe and locked it up. I did that for three weeks. At d of that time I made an appointment with Judge Raynor at his room, and a man is now living in this city who was present at that time, and I had these s taken there and the seals broken in his presence, and read the contents to him, w him, as chief of the Secret Service, what his men were trying to do, and how fooled them. And I then told Judge Raynor, in the presence of these other gen- n, that I knew nothing about the matter; that the detectives had annoyed me, had determined to have some amusement out of them, and show how smart his tives were. That is what I did. I had those papers read to Judge Raynor, read in his room one Sunday morning, and he was much amused on reading them and how completely I had fooled his detectives. Two of the gentlemen present st interview are dead and one is living.

Were you ever in the employ of the Pacific Railroad Company at any time?—A. w of no reason why I should answer that question. It is none of this commit- business whose employ I was in.

You decline to answer?—A. I simply decline to state my private business to the ittee.

This is public affair.

e WITNESS. What is a public affair; my employment?

. BAYNE. My question.

My employment is not a public affair.

I will ask you another question. Did you begin, a number of years ago, a series tacks upon the Pacific Railroad Company?—A. No, sir; I wrote a series of arti- upon land-grant questions.

With reference to forfeiting the charter?—A. No, sir; not with reference to for- ng the charter of any railroad.

Was it with reference to land grants?—A. Yes, sir; I wrote them for a news- r, and was paid for them.

That was with reference to the Pacific railroads?—A. In reference to all rail- s to which lands were granted. All the articles had my signature to them; were ed E. N. Hill, and were published in the Washington World, and the titles of the les was "Uncle Sam's Farm." Those are the articles.

You wrote those articles?—A. I did.

Did you not, in connection with another person, file a paper with the Secretary he Interior with reference to the matter?—A. No, sir; I do not know that I did; sibly. I don't recollect all that I ever have done.

You don't recollect whether you did or not?—A. I do not.

Were you not subsequently employed by Mr. Huntington as an attorney for the road company?—A. I decline to answer that question. It is none of the commit- s business who employs me as attorney.

And did you not, then, after your employment by Mr. Huntington as attorney, savor to withdraw this paper which you had filed with the Secretary of the Inte- ?—A. I do not admit that I have been employed by Mr. Huntington, and do not it. I simply decline to answer any question in connection with it.

But did you not after your employment by Mr. Huntington cease to attack the road company?—A. I decline to answer that question.

Either in the newspapers or by filing any papers in the Interior Department?— That all assumes that I have been employed by Mr. Huntington, and I decline to er any question making any such assumption, because I deny the right of the

committee to inquire into my private affairs as to who has and who has not employed me.

Q. Was the protest to the Secretary of the Interior against these railroad companies [illegible] was filed, setting forth the charges which appeared in your articles, the articles which were written and published, as you say, under your name or under your [illegible]?—A. Under my name in full.

Q. Was it filed as a public matter?—A. I don't know; I say I don't know whether such protest was filed.

Q. If it was filed, was it a public matter?—A. That assumes that I was employed by Mr. Huntington, and I decline to answer any question that makes that assumption.

Q. You decline to say whether or not you were employed by Mr. Huntington?—A. It is none of the committee's business, and I decline answering any question about my private affairs.

Q. Is it not a fact that after a certain time you ceased to make further publications and statements in the public prints attacking the land grants and so forth; is not that the fact?—A. I have not written anything for the public prints, or but very few, save one or two articles, for more than a year past.

Q. Is it not a fact, though, that you ceased the publication of those articles?—A. I think one of the last articles I wrote was in favor of forfeiting land grants.

Q. How long ago was that?—A. Probably within a year.

Q. What I mean is, at the time you filed this protest, when you and another person filed this protest with the Secretary of the Interior, and after the publication of that series of articles that appeared, a number of articles appeared over your signature attacking the land grants to railroad companies?—A. When you speak of attacking land grants—they were simply showing what I conceived to be the facts and the law in regard to the granting of lands to railroads and the rights of the United States in those grants. Those were my articles. I finished that series of articles in the Washington World, and was paid, I think, $10 a column by the World for writing them. I know I was paid pretty liberally. I finished that series of articles probably in 1883. They ran through enough to make a considerable book.

Q. You finished them in 1883?—A. I think it was 1883. I have written but very little for the newspapers since that time. I think some of my last articles have been within a year past, but I have not written but one article for a newspaper for six months, except short articles.

Q. Were you not employed in 1883 or 1884 by C. P. Huntington?—A. I have declined to answer that question. I do not decline it because there would be any discredit in the employment, but simply because the committee has no business to ask it; it is an impertinence.

Q. In 1878 or 1879, during a session of Congress, did you go to the Hon. Thomas R. Cobb, a member of Congress from Indiana, and offer him a paper containing divers charges against the railroad companies with reference to the Pacific Railroad land grants?—A. I do not know.

Q. Did you afterwards go to Mr. Cobb's room and request the sum of $50 for the papers?—A. I do not think I ever said a word about money to Mr. Cobb in my life. I am not certain, but I think I had a conversation with him about Pacific land grants, but I do not think I said anything about money.

Q. You did not go to him and want $50 or some such sum for information?—A. I do not think I ever did. I think the only man I ever talked with about money on that subject was for another matter entirely. I wrote some valuable information that I thought Mr. Cobb needed, generally in favor of forfeiting land grants.

Q. Didn't you go and demand $50 or ask for $50 or some such sum, and didn't Mr. Cobb order you out of his room?—A. No, sir; he never did.

Q. Didn't he say something very cross to you and threaten to put you out?—A. No, sir.

Q. That never occurred to you in one of the committee rooms of the House in 1878 or 1879?—A. No, sir.

Q. In 1880 you went out to Indiana, and have stated already in your examination that you were in the State of Indiana during the political canvass. You have already stated that in your examination in the committee room of the House?—A. Yes, sir.

Q. You went out with Senator Dorsey, I believe?—A. I did not go with him. I stated that he requested me to go.

Q. He requested you to go. Well, you met him out there?—A. Yes; but I shall decline to answer any further questions upon that line. I do not see what my political conduct in Indiana has to do with this investigation, and I just simply decline to answer them. As I stated before in regard to that other question, I think it is an impertinence.

Q. Let me ask you this question: You have partly explained this matter quite freely; why do you now change?—A. Simply because I choose to do so. I think I

had no business to answer the questions before, and made a mistake in doing it, and do not intend to make that mistake again.

Q. You do not propose to answer it?—A. I do not propose to answer any such question.

Q. I want to give you an opportunity to do certain things now.—A. If I choose to do that, I will do so.

Q. You met Mr. Dorsey, as you said, out in Indiana in 1880, and took part in the canvass of that year. While there did you meet William H. Barnum, chairman of the Democratic National Committee?—A. I decline to answer that question. I told you that I would not answer such questions.

Q. Did you meet Colonel Wood, of Washington, formerly of the Secret Service?—A. I decline to answer those questions. They have nothing to do with the matter. They are my matters and not yours.

Q. And the judge of one of the courts of Indiana there at the Bates House?—A. I decline to answer that question.

Q. Hadn't you made yourself familiar with the secrets of the Republican campaign management in Indiana that year?—A. I had not.

Q. And then did you not subsequently meet Mr. Barnum and Mr. Wood at the Bates House, and for a consideration named, the sum of $750, disclose the secrets that you had learned from the Republican party managers to the Democratic managers?—A. That question is an insult, which you would not be guilty of making outside of your position as a member of Congress, which protects you in insulting any one.

Q. Well, we will find out. If it was the truth it cannot be very well withheld. We shall probably ascertain from some others whether these things are true or not.—A. I simply say I know nothing about it.

Q. Didn't you ascertain these facts and sell out to the Democratic managers for $750, and offer to make an affidavit that the facts you related to the Democratic manager, Mr. Barnum, were true?—A. I decline to answer the question. I did not know any secrets.

Q. Was not an affidavit actually made by you before an Indianapolis judge that the facts that you related to Mr. Barnum were true?—A. I decline to answer that question. Mr. Chairman, what has all this to do with this investigation?

Mr. BLANCHARD. It seems to me that these questions are in the nature of testing the truthfulness or untruthfulness of certain statements which you have made exonerating the parties who were concerned in this investigation as accused.

The WITNESS. I have been willing, perfectly willing, to answer any questions in regard to that matter. But as to this, it is a matter I do not think the committee has any right to go into.

Q. I will ask you some more questions on another subject. Is it true that you had a desk in the office of the Hon. Casey Young in the city of Washington, or had a room that was convenient to his office?—A. While it is true that Colonel Young and myself were very intimate, and I was in his rooms a great deal, I had no desk there.

Q. Had you a desk in a room convenient to his?—A. I think not.

Q. Did you occupy any desk?—A. I was with Colonel Young in his own rooms for several months.

Q. Occupying a desk there?—A. Occupying his rooms with him, not the desk. His desk was there for me to write on.

Q. That is what I mean. Did you occupy it; did you and he use it?—A. He and I both used it.

Q. Did you, while in there, learn the facts regarding the organization of the Pan-Electric Telephone Company?

Mr. THOMPSON. I shall have to interpose an objection. The Pan-Electric committee is investigating that subject; that is before another committee, and Mr. Hill can be investigated thoroughly there. I do not think it is fair.

Mr. BAYNE. Well, I think this is fair as a part of this case as I view it, and if a number of investigations have gone on elsewhere, each one of them, so far as Mr. Hill's relation to them is concerned, will disclose the manner of man that he is, and is a proper subject of investigation by our committee. It does not follow that because another committee is investigating certain gentlemen that this committee should not. The purpose of this investigation is as to certain officers of the House and Mr. Hill's connection with those officers. The purpose of the other investigation is in regard to another set of gentlemen.

Mr. BLANCHARD. It occurs to me that it is just as competent to ask Mr. Hill concerning the Pan-Electric Company as it is to ask him concerning political matters in Indiana.

The WITNESS. If either is competent. Neither is competent and I decline to answer them.

Mr. BLANCHARD. You may or may not answer them, but I am disposed myself to

allow and claim for this committee an extended scope of investigation and examination.

Mr. STONE. There is one trouble about the pertinency of all this. I say the only possible ground upon which any of it could go in is as affecting the reputation and character of Mr. Hill as a witness. Take this Indian matter that Mr. Bayne has been examining about, this protest supposed to have been filed in the office of the Secretary of the Interior and withdrawn, or offered to be withdrawn, for a consideration, and all that, and it opens up a pretty wide field of investigation. We may become involved in the Pan-Electric Company matter, in the Indiana election frauds, and in the question of Mr. Hill's selling out to Mr. Huntington, and the land-grant question, and all that sort of thing. It has got to be pretty wide if we are going to investigate all those questions.

Mr. BLANCHARD. It is in the power of this committee to end this investigation whenever they think proper so to do.

Mr. STONE. Here is the point about it. Mr. Hill has declined to answer in regard to this Indiana matter, and Mr. Bayne asks him concerning his selling out to certain gentlemen, and asks him about this protest and his being employed by certain gentlemen to sell out. It is a reflection not only upon him, but a reflection upon others. Those other people will want to be heard; they will want to come and make a reply. Mr. Bayne has asked about Col. Casey Young. Of course I do not know what it will lead to, but if it is gone into I expect Mr. Casey Young will want to be called. Suppose Mr. Hill should make some statement—he may decline to make any—that Colonel Young contradicts. Of course that is a matter of some present public interest, something that Colonel Young considers a reflection upon him, something that he wants to contradict. I suppose Colonel Young would want to be heard on that subject. Are we, then, going to investigate the facts as to Mr. Hill's and Colonel Young's connection with the Pan-Electric Company to see which one of them has told the truth?

Mr. BLANCHARD. If the investigation discloses the connection of any gentleman with anything that he does not care to have his name connected with, and he asks to be heard in refutation of such accusations, I for one would be perfectly willing for that gentleman to have a hearing before the committee.

Mr. STONE. Certainly. But it widens the scope of our investigation, ostensibly to affect the character of the witness.

Mr. BLANCHARD. This committee owes it to itself to give as wide latitude as anybody can reasonably claim in this investigation, so that when we make our report no man in the House or out of it can say that we have not endeavored to ascertain the whole truth in respect to this matter. I only speak for myself individually. I am disposed to allow any reasonable latitude claimed by any gentleman connected with this investigation to ascertain the truth or falsity of these statements and accusations.

Mr. STONE. I am also.

Mr. THOMPSON. Has not the committee trespassed largely upon that question in this: When we had the late mayor of Jeffersonville, Mr. Glass, before us, we asked him certain questions reflecting upon him, with reference to offering to sell out the time, as we alleged he was keeping it, of the convicts working at Jeffersonville, under a transaction with Mr. Merryweather upon their account, and he answered them, and we offered to send for the witnesses at Jeffersonville and asked for a subpœna for them, but the committee in executive session declined to send for those parties at all, and we then let those subpœnas go.

Mr. BLANCHARD. Did the committee take formal action declining it?

Mr. THOMPSON. Yes, sir; the chairman refused us the subpœnas. I was not present at the executive session, but I take it for granted that he submitted the question to the committee, as he declined it on the ground that it was irrelevant and went into outside matters not particularly bearing on the matters at issue.

Mr. STONE. That was the opinion of the committee, but my recollection was that you afterwards withdrew your demand for the subpœnas.

Mr. THOMPSON. No, that was for other witnesses. We withdrew the demand for another man down there who was sick at the time, who it was said made some offer of compromise with Mr. Stealey. We wanted that man to come, but he was sick in bed and wrote such a begging letter, stating that he had the fever, that we said it was immaterial, and let it go.

Mr. STONE. I was informed, Mr. Chairman, incidentally yesterday, by one of the assistant sergeants-at-arms—I think his name is Hill——

Mr. THOMPSON. Yes, Mr. Isaac Hill.

Mr. STONE. He told me in the vestibule, where I happened to meet him, that he had summoned Mr. Hill to appear before our committee, and before this Pan-Electric committee, and he said he would be there on Monday.

The WITNESS. No, I said I would try to be there if my health would permit.

Mr. STONE. Well, if this Mr. Hill is summoned before the Pan-Electric committee

ımined about this matter, it seems to me it is widening this investigation too
go into that now.
ıYNE. There is no intention in my question of going into the Pan-Electric
at all. I simply want to show Mr. Hill's relation to it, and give him a chance
:ate himself in regard to it.
IOMPSON. It is well known that Mr. Hill wrote the original letter to the World,
as taken by Mr. Sypher to the World and was published, and which was the
the Pan-Electric investigation. If we go into that letter, into the question
ıe happened to write it, how he got the facts, his connection with Casey
ıd the Pan-Electric people, it looks to me that we are getting out at sea on
hat have no bearing on this investigation. If you ask him where he got
mation, he might say Casey Young gave it to him, and that would involve a
of investigation again. I never have read the letter that Mr. Hill wrote,

ONE. I never have read it, but I have heard what was stated about it.
OMPSON. Mr. Sypher said Mr. Hill gave him the letter, and he thought it of
ce, and he gave it to Mr. Bell or Mr. Storrow and they published it in the
I think the proof shows that the witness received $85, or something like that,
ıg those articles. I noticed that in the papers simply. It seems to me we
ng way out at sea if we are going into an investigation of the Pan-Electric
In the Pan-Electric case he will be thoroughly examined when he gets before
mittee, and if there is anything competent at all relating to this matter we
copy of their testimony and use it in this case. It looks to me as if that
sufficient.
ANCHARD. I will submit the question and ask a vote on it by the subcom-

OMPSON. I have no objection to your going into this thing so far as Messrs.
ınd Stealey are concerned. They are not affected by it. My object was to
by not going into outside matters.
ONE. I will say this before I vote: The questions that Mr. Bayne has asked
he has in the main refused to answer at all. Of course it cuts no figure—
imony does not (except that it is a reflection, and an inference might be
om his refusal to answer)—unless you go further, and bring somebody from
or somewhere else, or put Mr. Cobb on the stand in reference to that matter,
ıto an investigation as to whether he did those things.
IOMPSON. If you put Mr. Cobb on the stand that will involve the bringing
ıeral Rosecrans and a witness from Wyoming and Mr. Dunn, of Arkansas.
ONE. The question is, is it fair to go into these things simply for the purpose
diting this witness?
ANCHARD. Let us determine the matter and proceed. I will submit it to a
the question asked by Mr. Bayne a proper one? Those who favor it will

ıyne voted in the affirmative and Mr. Stone in the negative.
ANCHARD. I vote in the affirmative.
the question was allowed
:ill repeat the question. You stated that you were in the office of Col. Casey
in the same office. I ask you whether, while in that office with him, you
the facts about the organization of the Pan-Electric Telephone Company,
stockholders were, and all about the inside of that organization?—A. I do
k there is any reason why I should answer that question at all. As Mr. Stone
gested, I am subpœnaed before the Pan-Electric Committee, and expect to be
d there as soon as I am able to go out, unless they choose to send a com-
here to examine me, and I shall freely answer as to my knowledge of that
I see exactly what you are trying to arrive at, that I have betrayed the confi-
laced in me by Colonel Young. I will just simply say in answer to the ques-
t you intend to ask, that I have betrayed no confidence of Colonel Young's or
else in regard to Pan-Electric matters. I know that is the question you in-
ask and the inference you intend to draw.
u were associated with Colonel Young?—A. My relations with Colonel Young
ways been those of friendship.
it more than that, you were associated with him in helping to organize and
the Pan-Electric Telephone Company, were you not?—A. I was not. I never
dollar of stock in it in my life.
it did you not do some work in connection with it?—A. I did some things for
Young; yes, sir.
at is what I say. You assisted him, in other words, in organizing and carry-
the details of the organization?—A. No, sir; not in organizing or carrying
details.
what respect did you assist him in connection with it?—A. That I do not

think is at all a pertinent question. If you desire to know all that I know about it, if you will read that article in the World you will get it.

Q. How much did you get for writing that article?—A. That is not this committee's business.

Q. You received a compensation for it?—A. Well, I don't hardly think that is the committee's business either.

Q. The facts which are contained in that article you learned in Colonel Young's office?—A. I did not altogether, by any manner of means.

Q. You learned most of them there, did you not?—A. I do not know. I learned them legitimately.

Q. You have been asked about the Hot Springs affair, and have explained very fully with reference to that. You have been asked about your connection with the Pacific Railroad Company and about your employment as an attorney, and you have declined to answer my question. You have been asked about your connection with the filing of a protest in the Secretary's office and the withdrawal of it, and you declined to answer, and about your having approached Colonel Cobb, and you have to some extent answered. You have been asked about your connection with the campaign in Indiana, which you had in part answered heretofore, but as to your connection with Mr. Barnum, the chairman, and Colonel Wood, or others connected with the committee in Indiana, you declined to answer. You have been asked with reference to your connection with Colonel Young in ascertaining facts concerning the Pan-Electric Company, and the subsequent relation of those facts to the New York World, and what consideration you got therefor, and you decline to answer. I want to say to you now that if you choose to vindicate yourself against the implications and inferences that may be drawn from your silence respecting those subject-matters, I would like to have you do so.—A. In regard to the Pacific Railroads and my employment by them, I declined to answer simply because I conceived that it was not the business of this committee to know who I was acting as attorney for. In regard to the protest in the Secretary's office, I have a very indistinct recollection as to the protest at all. In regard to Mr. Cobb, I answered emphatically that no such occurrence had happened as was stated in the questions. I might have visited Mr. Cobb at his room, and think I did once, but I never asked him for money, for $50 or any other sum, and never was ordered out of his room, either. In regard to the Indiana campaign, I declined to answer those questions because I do not think that they have any reference to or any bearing upon this investigation. In regard to the Pan-Electric matter, I answered, I think, all that ought to be answered to this committee on that subject. That is all I have to say.

Mr. BAYNE. I have no further questions to ask.

The subcommittee then adjourned.

WASHINGTON, D. C., *Wednesday, May* 5, 1886.

JOHN P. LEEDOM sworn and examined.

By the CHAIRMAN:

Question. You are John P. Leedom?—Answer. Yes, sir.

Q. Sergeant-at-Arms of the House?—A. Yes, sir.

Q. You have been such for a number of years?—A. Three years—going on three years.

By Mr. BAYNE:

Q. You were Sergeant-at-Arms in July, 1884?—A. Yes, sir.

Q. And May, 1884?—A. Yes, sir.

Q. Are you familiar with the ink that is used in your office?—A. Why I couldn't say as to that time. We have used generally one kind of ink.

Q. What kind of ink?—A. Arnold's.

Q. Arnold's writing fluid?—A. Yes, sir.

Q. You are unable to say as to July, 1884, and May, 1884?—A. Well, it would be merely an impression. I could not say positively. My impression is that we have used the same quality all the time.

Q. All the time?—A. Yes, sir.

Q. (Submitting two papers to witness.) Will you look at these receipts, one dated Washington, D. C., July 7, 1884, signed "E. N. Hill, attorney," and the other dated May 13, 1884, and signed "E. N. Hill, attorney," and say whether those receipts, or either of them, is written in the ink which, according to your belief, you used in your office in 1884?—A. Well, I do not have any recollection of using ink of this quality, except that the pen that it is written with might make a difference. I would correct

myself, too, in this: That the ink we have on the stand for the members to draw their checks with is of a different quality from what we use at our desks. We have been using a common ink there a great many times—these cheap bottles—and it might be possible that its quality was similar to this. I would not say positively, as we do not get the same quality all the time. But the ink that we use in copying our records is of the same quality.

Q. What is the brand of ink you have been using?—A. Why, it is this cheap ink; part of it is Butler's ink, and I do not remember the brand of the other. It is of a light color.

Q. Have you a knowledge of the different kinds of ink in use?—A. No, sir.

Q. You would not be able to express an opinion as to the ink that is used on those receipts?—A. No, sir; not as to the brand.

By the CHAIRMAN:

Q. I understand you, then, to state that you are not an expert; you know very little about ink. Is that so?—A. Well, I say, speaking with reference to what that appears to be, that the ink we use there is Arnold's ink.

Q. And you have on the desk where members draw their checks different inks?—A. Many times different inks.

Q. You could not say whether that is the ink used on the stand or not?—A. Not at that time. The ink we have there now is Arnold's ink. But I know there have been times when we used different qualities. A great many times men who have ink to sell send me samples to try, and we put it out there for them to use. But the ink that we keep our records with is all Arnold's ink.

Q. That is kept inside the railings on the desks?—A. Yes, sir.

Q. The other is upon a long shelf outside?—A. Yes, sir.

By Mr. BAYNE:

Q. Who is now in your office that was there in July or May, 1884?—A. I have the same officers with the exception of Mr. Curtis. Mr. Silcott, Mr. Hill, my deputy, Colonel Roberts, Mr. Kalbfus, my page, and Mr. Selzer, my book-keeper.

Q. I wish you would send down to the committee Mr. Hill with some checks written upon the table or counter there in July and May, 1884?—A. Very well, sir.

By the CHAIRMAN:

Q. Who is best acquainted with the quality of inks?—A. I think that Mr. Selzer would be better acquainted with the ink than anybody else. He uses more ink than anybody else in the office.

Q. Does he usually receive the checks?—A. Yes, sir; he has control of the checks.

The CHAIRMAN. I have the following communication from Mr. L. F. Warder, which I suppose the committee will receive [reading:]

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 5, 1886.

DEAR SIR: In my recent examination before your committee the following questions were asked and answered, as follows, to wit, on page 92 of the record, by Mr. Blanchard—

"Q. Now, Mr. Warder, with the experience you have had in an official capacity in Congress, do you think now you would have employed and paid as much as $1,250 for the services that Mr. Hill rendered?—A. I will answer that question in this way: If I had to do the same thing over under the same circumstances, with my knowledge now, leaving off the part that I was to be persecuted by an enemy in the dark, I would do just exactly what I did before.

"Q. My question is this: Under the same circumstances and conditions, say with the single exception that you have greater experience yourself now as to how things work here in Congress, would you employ him?—A. Well, I do not know that I would. I do not know that I would not. It depends upon the circumstances surrounding the case at the time. Of course I have had the experience of the Forty-eighth Congress, and this much of this Congress, and I know more now than then."

Also on pages 93 and 94, by Mr. Lehlbach and Mr. Farquhar:

"Q. Do you say, Mr. Warder, if you had to go through the same experience again, with your knowledge of legislation, that you would be willing to pay that amount of money to a man with whom you had so very little acquaintance, but to whom you took a notion on account of his good talking qualities, &c.?—A. I said if I had it to do over again under the same conditions and circumstances, barring this unfortunate phase—this investigation—I would do exactly the same thing.

"Q. Now, in the long run, after this is all summed up, you paid rather dearly for the whistle, don't you think so?—A. It is gone now. It might be, if I had to do it over again, I might proceed a little differently. I do not know that. Of course, with the

experience that a man has, if he does not learn more sense he is a poor man t a country like this."

In the excitement of an extended and rigid cross-examination, I did n realize at the time the drift or scope of these questions, and my answers as I re now in the record are not satisfactory to myself.

I therefore desire now upon the sanction of my oath to correct these ans saying, that were I in the position I occupied in May, 1884, inexperinced in tion and charged with the responsibility of looking after a matter of so grea tance to my city, my fellow-citizens, and myself, I would, I believe, do as I then employ Mr. Hill and pay him the same price I did then. But with my present edge and experience of legislation, and with all the facts before me, and a kn of what services Mr. Hill did render, and speaking from the standpoint of t ent, I say I did pay him too much; that I believe now his services could ha dispensed with, and that I would not employ him, or any one else were the m be done over again.

I therefore respectfully ask that this statement go on the record as made an explanatory or as a correction of the answers given above.

L. F. WARD

Very respectfully,
Hon. W. R. Cox, *Chairman, &c.*

L. F. WARDER recalled and examined.

By Mr. STONE:

Question. These two receipts, given by Mr. Hill to you, I understood you to had had in your possession since the date of their execution.—Answer. I hav

Q. Until you delivered them to Mr. Ellis?—A. Yes, sir.

Q. Did you take the receipts from here with you in July, 1884, when you to Chicago to the convention?—A. I went home from here. Congress did not in time to enable me to go to Chicago, and I went home from here. I took the home with me from here in July, 1884.

Q. When you went home, did you then exhibit these receipts to any person did, sir.

Q. To whom?—A. I showed them to Mr. Goldbach. I am not positive wh showed them to Mr. Shuler or not. At least, I had some conversation with hi them, and I showed them to Dr. Faust, a member of the committee.

Q. I understand you are positive you showed them to Mr. Goldbach and Mr. F A. I think I am positive I showed them to Mr. Shuler. I am not absolutely about that.

By Mr. BAYNE:

Q. How did you come to exhibit those receipts to those gentlemen?—A. I know how I came to do it, except when I returned home there was a little ca going on. There was a Republican paper being published in the town, and th an article published in the paper before I got home a day or two, and my at was called to it when I got home, and I think that Mr. Goldbach was the m called my attention to the fact. This article charged that Mr. Stealey and I h acting as attorneys here and had received a fee from the city of $1,250 to secu appropriation. I think that was the reason I showed Mr. Goldbach the rec my conversation with him, to satisfy him that there was nothing of the kind, show him that I had acted in good faith all the way through. He was the m first instructed me to employ an attorney. I suppose that was the reason, or the reason.

Q. Did you subpœna Mr. Goldbach or Dr. Faust?—A. I subpœnaed Mr. Go He was the only witness I subpœnaed.

Q. Did he testify here?—A. He testified here.

Q. Did you elicit the fact that you had shown him those receipts?—A. Yes,

Q. And by his testimony?—A. Yes, sir. I will say further in connection wi that I intended to summon Dr. Faust and Dr. Graham, the other two men that committee, but they sent word here begging not to be summoned. Th both very busy, Dr. Faust being an official physician, which required a great his time there, and Dr. Graham, a prominent physician, and they asked as a p favor that if I could possibly get along without them not to have them.

Q. Did you make any counter statements in the public prints of Jeffersonvill time of that campaign, by interview or letter or otherwise?—A. No, sir. T public statement I made in regard to that matter was made in a public spe night I returned home. I got home about 12 o'clock in the day, the 8th or 9t month of July. I remained with my family until after dinner, about 6 o'cloc I received a message from some friends not to go down to the city, that there be some friends to see me. At about 8 o'clock, or 8.30 o'clock, a band of musi

down the street accompanied by a large concourse of people—a thousand or fifteen hundred people—I do not know how many people, and stopped in front of my residence, and I was called out or forced to come out, and I made a little speech to them. I did not refer to the scurrilous article in this newspaper. I never did notice it. I simply congratulated them on having received the appropriation, and I believe I gave the credit of it to Messrs. Wise and Harrison. Told them that the community owed those gentlemen a debt of gratitude and not me, and I stated to those people, friends and neighbors, that the appropriation had cost $1,250 only, and at that time I regarded it as a very fine transaction that the city could get $50,000 on an expenditure of $1,250, and everybody cheered and was satisfied about it. In fact that was the feeling of everybody that I talked to or knew anything of in the city at that time.

Q. Did you after the introduction of this resolution publish an article of any kind?—A. I did not, sir. I never published an article in regard to this matter at any time, and I never had a public interview in regard to it.

Q. Did Mr. Stealey publish an article?—A. Not that I know of, sir.

Q. During the campaign of 1880, in Indiana, were you at any time at the headquarters of the committee in that State?—A. Yes, sir; I was at Indianapolis frequently, and frequently at the State central committee rooms.

Q. Was Mr. Stealey connected with the committee?—A. I think he was one of the members of the committee.

Q. Secretary of the committee, was he not?—A. I think he was. I am not positive about that.

Q. Did you see Mr. Hill out in Indiana at that time?—A. I have never seen Mr. Hill out there. I never saw him, and I never knew he was there until the matter was made public by the public prints here. I heard it in his testimony, I believe, for the first time.

Q. You never knew it until you learned it from his testimony?—A. No, sir.

Q. Were you a member of the committee yourself?—A. No, sir.

Q. At what time was that meeting you refer to in Jeffersonville when you made that speech?—A. Well, I left here, I think, the night of the 7th. It was the night of the 8th of July. I left here the night of the 7th and I got home the next day at 12 o'clock, and it was that night.

The CHAIRMAN (to Mr. Ellis). I will state that before you came in the Sergeant-at-Arms was asked in regard to the ink that he used at his office. He did not know what kind of ink was used.

Mr. ELLIS. I do not care anything about it.

J. D. SELZER sworn and examined.

By the CHAIRMAN:

Question. How long have you been in the office of the Sergeant-at-Arms?—Answer. Since the 1st of January, 1884.

Q. What is your duty in that office?—A. I am the book-keeper.

Q. Do the checks drawn by members and other parties on the office pass through your hands?—A. Yes, sir.

Q. Are you familiar with the kind of ink that was used there at that time?—A. Well, yes, sir.

Q. Was the same kind used at the desk at which members write as was used at your desk?—A. Not generally. That is, I ought to say there are exceptions sometimes; but generally the same ink is used.

Q. The same ink is used generally, but there are exceptions?—A. Yes, sir.

Q. You have different kinds of ink on that stand?—A. Yes, sometimes we do; not always, though.

By Mr. BAYNE:

Q. You have different kinds of ink there, you say, sometimes, but not often?—A. Not often; no, sir.

Q. How do you come to have different qualities out there from what you have inside?—A. Well, in making requisitions on Mr. Clark for ink they sometimes send us a different ink from what I would like to use. I believe in Arnold's ink as being the best ink that can be used. But they have sent us different inks, I think at two or three different times, and then frequently parties that get up a new ink will send in a sample to the office and we put it on the desk where you draw your checks. I never use it at my desk in my book.

Q. Have you any checks that were written about that time?—A. Yes, sir. [Submitting a number of checks.] There are some.

Q. Were these checks written at the members' desk?—A. Yes, sir; they are always written at the desk.

Mr. STONE. They are not always written at the desk?

The WITNESS. Well, not always; but I suppose ninety-nine out of every hundred are written at the desk.

By Mr. BAYNE:

Q. (Resuming.) In what ink are those checks written?—A. Well, I should take that to be Arnold's ink. Some of them are a little more distinct than others; but that, perhaps, arises from using a new pen. We change the pens pretty often.

Q. You take all those to be written with Arnold's ink?—A. I do; yes, sir. No; this is not written with Arnold's ink. [Indicating one of the checks submitted.]

By the CHAIRMAN:

Q. You say that is not written with Arnold's ink?—A. No; that is not.

Q. What is the date of it?—A. Exactly the same date of this receipt [indicating]. [Indicating one of the checks.] There is a different ink from Arnold's. [Indicating another check.] Now, there is Arnold's ink again. We got some ink at one time that was of a different color from Arnold's ink. We got only one bottle, and as soon as that was used up I sent for a different kind of ink.

Q. These checks, you think, in Arnold's ink are dated July 7; one is the check of D. B. Henderson and the other is the check of D. F. Howey; one is for $731.25 and the other for $625.33?—A. Yes. [Indicating another check.] There is another one of Mr. Housman's, dated July 5. You see the difference between the two. I think that [indicating] is Arnold's ink, and I think the other is the other kind. There is a little difference in the tint.

By Mr. SPOONER:

Q. Would putting a blotter on it account for it?—A. No, sir; I do not think so.

By Mr. BAYNE:

Q. These checks may have been written in the House, at the desks of the members, so far as you know?—A. Yes. If they were, of course I could not say, but I presume ninety-nine out of every hundred are written at our desk.

Q. You have had a good deal of experience in using different qualities of ink?—A. Oh, yes, sir.

Q. Do you know the different qualities of ink?—A. Yes, sir.

Q. Have you any checks of May 13?—A. Not here; we have some at the office; I can bring you some.

Q. (Submitting one of the checks produced.) There is one of May 14.—A. That is Arnold's ink.

Q. That is Arnold's?—A. I think so; yes, sir.

Q. What is the nearest date to May 14 you have there?—A. (Submitting one of the checks produced.) There is one of May 9 [submitting another check], and there is one of May 6.

Q. What kind of ink is the one of May 9 written with?—A. I think that it is the same kind of ink.

Q. Arnold's?—A. Yes, sir.

Q. (Submitting the Hill receipts.) I wish you would examine those two receipts that are in evidence, dated July 7, 1884, and May 13, 1884, signed "E. N. Hill," and state what, in your opinion as an expert, was the kind of ink used.—A. This first receipt, dated July 7, looks to me like the ink that was used by D. B. Henderson; and there is another one, that of Mr. Housman, I think. No; that is Arnold's. There is Mr. Hammond's check [exhibiting same]. That is the same kind of ink as that receipt.

Q. This check of Mr. Hammond's of July 3, 1884, is written in the same kind of ink as the receipt of July 7, of E. N. Hill?—A. Yes, sir.

Q. As to those two receipts, what do you think with reference to the ink?—A. They are on different paper. I think this receipt of May 13 is a different ink.

Q. You think it is written with different ink from the other?—A. Yes, sir.

Q. You think that those two receipts are written with different kinds of ink?—A. I think they were; yes, sir.

Q. The two Hill receipts?—A. Yes, sir; the two Hill receipts.

Q. You mean that one was written with one kind of ink and the other with another kind of ink, in your opinion?—A. It looks to me that way; yes, sir. The paper of one being different from the other it is hard to tell after all.

Q. The checks which you have produced here as near to May 13 as you have them—May 6, May 8, May 9, May 14, and May 20—are written in what ink, in your opinion?—A. (After examining the checks referred to.) Here are two checks of Mr. Caldwell, one of May 6 and the other of May 9, that are in different ink from the checks of May 14 and May 8, I think. It arises from this fact: That the porter, when cleaning up in the morning, sometimes throws away what is left in the ink-stands, washes them out and fills them with fresh ink.

Q. What kind of ink are those checks written with?—A. (Indicating.) I think this is Arnold's ink.

Q. Which one?—A. (Submitting check.) This one.

Q. The checks dated May 8 and May 14, 1884, by Mr. Housman and Mr. Howey, you believe to be written in what ink?—A. I believe them to be written with Arnold's ink.

Q. May 14 is the nearest check you have to the date of May 13, 1884, the date of this receipt?—A. I can give you a check of that date if you desire.

Q. I did not ask you that. If you will answer my question you can supplement it afterwards. May 14 is the check nearest in date to May 13, the date of one of those receipts?—A. Yes, sir.

Q. Now you say you can do what?—A. I can give you some checks of that date.

Q. Of May 13?—A. Yes, sir.

Q. I think it would be well enough to have the checks of May 13.—A. Very well, sir.

By the CHAIRMAN:

Q. You cannot tell where those checks are written that are sent in there?—A. No, I could not identify any particular one.

Q. You could not say any one was written at your desk?—A. I can bring you the bundle of that date—all of them.

Q. But you do not know whether they were written at the desks of members, in the House, at the rooms of members, or written at that shelf in the office of the Sergeant-at-Arms; you could not identify any one of them?—A. No, not any particular one I could not.

Q. And they are written at various places. Members sometimes send checks there by pages, do they not?—A. Yes, sir; sometimes they do; not very often, though.

By Mr. BAYNE:

Q. About how many?—A. Well, I could bring you an entire day's business; I do not know how many; fifty or sixty.

Q. In your opinion what percentage are written there at your desk?—A. I presume it is safe to say that ninety-nine out of a hundred are written at the desk, in the office of the Sergeant-at-Arms.

Mr. BAYNE. Now, I wish you would bring the entire bundle of checks of May 13th.

The WITNESS. Yes, sir.

Mr. LEHLBACH. And of July 7th, I would suggest.

Q. (Resuming.) One moment before you go. [Submitting a check.] That check of July 5th, which you think was written in different ink from Arnold's, is one of those that has been torn off a book and is not so likely to be one of those that you have on the desk in the Sergeant-at-Arms room?—A. Some of the members carry their books in their pockets and go right up to the desk and tear one of these checks out.

Q. Sometimes they write them in their books when they have them at their houses and at their desks in the House of Representatives?—A. That is very true; sometimes the checks of members come in from the banks. You can tell them very easily from the back, though. Here is one [submitting a check].

Q. That is the Housman check?—A. Yes, sir. That came through the bank.

Q. Bring down the checks of July 6, also?—A. If any checks were given on the 6th, they were entered up under the date of the 7th.

Q. Then bring all the checks for the 6th and 7th of July?—A. Yes, sir.

(The witness here retired, and after the lapse of a few moments returned with a ledger and several bundles of checks.)

The WITNESS. I have brought the ledger down.

By Mr. BAYNE:

Q. Have you any checks of the 6th?—A. (After running through the checks.) There is one of July 5 [submitting same].

Q. Have you any of the 6th?—A. I have some here.

(There was one of the 6th found and produced, but none of the 7th were found in the additional bundles produced.)

Mr. BAYNE. There are not enough of the dates of the 5th, 6th, or 7th to make any data. The members do not seem to have checked out any money about that time.

Mr. SPOONER. Does Mr. Seltzer say that includes all the checks of that date or about that date? It is singular that about that date there should not have been a good many checks drawn.

Mr. MITCHELL. The checks in each of these packages are the checks of one member, and the committee would be likely to find only one check in the whole package that would come anywhere near the date.

The WITNESS. You can take the package for Mr. Mitchell, for instance, and I can show you only one check a month from him.

By Mr. STONE:

Q. (Selecting and submitting to witness a check.) There is a check dated the 6th day of July, 1884, drawn by J. Laird for $5. Is that written on one of the books

used at the desk of the members in the office of the Sergeant-at-Arms?—A. 1
Q. Look at that and tell me in what ink, in your judgment, that is writte
It is the same ink as that receipt [indicating]. It is not Arnold's ink.
Q. Here is a receipt dated July 7, 1884, signed by E. N. Hill, for $1,000, 1
Warder. Compare the ink on Mr. Laird's check with that on this receipt and
what is your opinion as to whether they are written with the same ink or d
inks?—A. I think it is the same ink, sir.
Q. I understand you to say you also think that this check drawn by Mr. Hen
dated July 7, for $731.25, is written with the same ink as the Hill receipt for $1
A. Yes, sir; I brought my ledger down to show that that ink was used at th
in the office generally.

By Mr. BAYNE:

Q. What ink?—A. (Submitting the larger of the two receipts and indicating
kind of ink; I do not know the name of it; it was not Arnold's.

By Mr. STONE:

Q. You mean the ink that Hill used in writing this $1,000 receipt?—A. Yes

By Mr. BAYNE:

Q. That is your opinion. You do not pretend to say that the ink in your l
the same kind of ink, do you?—A. At that time; yes, sir.
Q. What kind of ink is it?—A. I could not tell you the name of it. Th
only one bottle of it got, and as soon as that was used up I sent for Arnold's.
Q. (Submitting one of the Hill receipts.) What kind of ink is that?—A.
the same kind of ink as that I spoke of.
Q. How do you know it is the same?—A. From the appearance of it. Th
judgment of it.
Q. That is what I say. It is your opinion?—A. Yes, sir.
Q. You do not mean to say it is the same ink; only that in your judgment
same?—A. That is my judgment.
Q. (By Mr. ELLIS, counsel.) It is all matter of opinion, is it not?—A. Yes,
Q. You cannot tell positively?—A. No, I could not identify any one pa
check.
Q. Do you not know that in the stationery room kept for the use of members
officers of the House they have eight or nine different kinds of ink?—A. We
not know that there are that many kinds of inks. I do not know the differen
of ink they have down there. We have had two or three different kinds our
that I know.
Q. Do you not know that they have Arnold's, the American Perfected, May
Noyes?—A. I am not familiar with any of the brands excepting Arnold's.
Q. Carter's, Faber's copying ink?—A. That we do not use in our office.
Q. Thomas's black ink, David's, Stafford's, is it not a fact that there are e
nine different kinds of ink kept down there?—A. No, sir; it is not within my
edge.
Q. (Submitting a paper to witness.) I want you to take that. I have pinn
little paper over there to mask something else from you. Tell the committee w
those words "April 16, 1886," are written in the same ink, or different inks; w
they are written in two kinds of ink or three or six, or how many; and, if s
inks they are written in.—A. I can see no difference.
Q. Then your opinion would be that those were written in the same ink?—
sir; and yet they may be different inks, but I cannot tell.
Mr. ELLIS. I will state to the committee that I can show by Mr. Ancona,
stationery room, if the committee deem it necessary, that these words were
one month ago in six different inks. So much for the opinion of the expert. P
honest and truthful I know he is; but it shows it is all matter of opinion.
committee desire that testimony, as soon as they reassemble I will submit it.
The WITNESS. There is no mistake about the inks I use on my books.

By Mr. BAYNE:

Q. Only you were mistaken in saying you used Arnold's all the time?—A. N
not say that.
Q. Oh, you did not. I understood you to say that.—A. I aimed to get it, bu
times they sent up different kinds of ink. We used that bottle I spoke of on
then I fell back on Arnold's again.
Q. Did you not testify in your examination that you always used Arnold
that the ink that was sent to you for specimens you put on the desk for meml
A. No, I made exceptions. I said we used different inks at different times.

The chairman here announced the testimony closed.

Adjourned.

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3 CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2338.

CALIFORNIA CONTESTED-ELECTION CASES.

MAY 11, 1886.—Ordered to be printed.

LOWRY, from the Committee on Elections, submitted the following

REPORT:

: Committee on Elections, to whom was referred for consideration and eport the case of Alexander M. McKay, contestant, v. Barclay Henley, Iames A. Loutitt, Joseph McKenna, W. W. Morrow, Charles N. Felton, nd H. H. Markham, contestees, together with that of Montague R. Leverson and Archibald McGrew against Charles N. Felton and H. H. Iarkham, having had the same under consideration, hereby make report s follows:

t is claimed on behalf of contestants that the votes cast at the Consional elections of the 4th day of November, 1884, in the State of fornia, should have been compared and estimated under the apporment law existing in that State prior to the 13th day of March, 1883, not in accordance with the act of the legislature of that State of day named, entitled "An act to divide the State of California into gressional districts." Under the prior law the State was divided four districts, with two Representatives at large. Under the latter the State was apportioned into six Congressional districts, each one hich was entitled to one Representative, and none at large. In r to sustain the contention of the contestants, it is obligatory upon n to show that the act of March 13, 1883, is invalid, and this they mpt to do.

he claim is that this act was not passed in accordance with section Article IV of the State constitution, which requires that every bill ld be read on three several days in each house.

assing by a number of immaterial points upon which testimony was n in this contest, we proceed at once to the substantial ground ed against the sitting members. That, we think, has been fully and nitely settled in a decision of the supreme court of the State of Calinia in a case reported in vol. 8, West Coast Reporter, page 29, enti- l "People, *ex rel.* Leverson, *v.* Thompson, secretary of state." In er that there may be no misapprehension as to the point submitted the principle stated in that case, your committee beg to submit the ion *in extenso:*

:KINISTRY, J.:

e petitioners are not entitled to a mandate directing the secretary of state to y to the governor that two of them were duly elected Congressmen at large, hat each of the others was elected a member of the House of Representatives in gressional district created by the act of the legislature of 1872.

t should be conceded that the act of 1883 is invalid because of non-compliance e legislature with certain formalities required by the constitution, yet, as it

appears from the petition and facts of which we take judicial notice, the ele throughout the State did not vote for two members of Congress at large, nor di electors within the limits of each of the Congressional districts as prescribed b act of 1872 vote for a member of Congress to represent the people of such dis

Notice to the electors lies at the foundation of any popular system of governr It has sometimes been held that the existence of a law fixing the time of an ele and the offices to be filled is of itself notice. It may be conceded that when a of office is to expire at a certain date after a general election, no other electi intervene, the electors take notice the office is to be filled at such general elec Some decisions have gone so far. But it is well settled that when a vacanc occurred by reason of death or resignation the voters are not bound to take noti such vacancy, and the casting of votes for a candidate or candidates to fil vacancy does not constitute an election. The facts of the present case bring it in the principle of the decisions which hold that in cases of special elections to vacancy a proclamation is necessary, even although the special election be he the same time as a general election. The principle is that a notice by proclam is necessary whenever the voters are not bound by law to take notice of the ti the election and of the officers then to be chosen.

The contrary not being averred in the petition, it must be presumed that the ernor, who had approved the act of 1883, issued his proclamation for the electi a member of Congress in each of the districts defined by that act.*

The general rule is that all are bound to know the law. But the recognitic this general rule does not compel us to hold that the electors, as matter of fact, k that the act of 1883 was of no force or effect. It does not compel us to hold tha matter of law, the electors throughout the State were bound to know, under pen of disfranchisement, that a statute regular in form, certified to have been prop passed by the appropriate officers, published as other statutes are published, appr by the governor, and by him acted under when he issued his proclamation, was because of matters not appearing on the face of the statute, but which could b certained only by an examination of the journals of the two houses of the legislat that thus taking notice of the invalidity of the act of 1883 the electors were bo to know that the law of 1872 was still in force and operation.

That the electors did not know all it is claimed they ought to have known is parent from the matter set forth in the petition, and from the fact that the petit ers have found it necessary to ask that the secretary of state be prohibited from mating the votes cast for members of the House of Representatives of the Un States in the respective districts created, or attempted to be created, by the a 1883.

Courts of justice in this State take judicial notice, perhaps, of the contents of journals of the two houses of the legislature; the citizens at large are not requir take legal notice of the entries in the journals. The people had not actually notified of such entries when the election was held. They had before them (k assume) the statute of 1883, approved by the governor and published as statute required to be published, and the governor's proclamation. We are asked to d that all the voters should have inquired whether the statute was invalid by re of matters of which they had not been notified; that the duty was imposed them to make investigation into the history, in the legislature, of the bill for th of 1883; to consider questions as to the validity of the law arising out of the ceedings in the legislature which preceded its final passage; to determine such tions correctly, or as petitioners claim they should be determined (questions, it be, difficult of solution by the courts, with the aid of counsel learned in the and then to vote for officers not mentioned in the governor's proclamation, in dis not defined in the law so as aforesaid to be mentally determined to be invalid, not recognized as continuing in existence by the executive or other officers o State. Thus to decide would be a formal acknowledgment by this court of re which cannot be treated as intelligent and binding expression of the voice o people, and which are entirely beyond the consequence legitimately derivative the maxim that all are supposed to know the law.

Whether anybody else was or was not elected to the House of Representati the United States at the general election, we are quite certain that the petiti were not.

Writ denied and petition dismissed.

McKee, J., Thornton, J., and Morrison, C. J., concurred.

Ross, J., concurring:

I concur in the main in the views expressed by Mr. Justice McKinistry. I wi add that, in my opinion, the act of 1883 is a constitutional and valid law.

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* This proclamation was issued. (Page 28 of testimony.)

Section 15 of Article IV of the present constitution provides: "No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members, nor shall any bill become a law unless the same be read on three several days in each house, unless in case of urgency two-thirds of the house where such bill may be pending shall, by a vote of ayes and noes, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal; and no bill shall become a law without a concurrence of a majority of the members elected to each house."

It is earnestly insisted by the petitioners for the writ that under this provision of the constitution it is requisite to the validity of a bill that each and every amendment thereto should have been read on three several days in each House. It is very certain that the constitution does not so provide in terms. The provision with respect to the passage of bills is extremely explicit. Express authority is given for the amendment of any bill in either house, and it is expressly declared that no bill shall be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members. If it had been intended to provide that, except in case of urgency, no bill shall become a law unless the same, with the amendments thereto, be read on three several days in each house, it would have been an easy matter to have said so. The insertion of the words "with the amendments thereto," in the first clause, and their omission from the second, is, to my mind, very strong evidence that the clause from which they were omitted was not intended to apply to them.

In Miller v. The State, 3 Ohio St., 479, it appeared that a bill originally introduced in the senate, after being read twice, and on different days, was committed to a select committee, who reported it back with one amendment, to wit, "Strike out all after the enacting clause and insert a new bill"; that on a subsequent day, April 12, this amendment, after being itself amended, was agreed to, and the bill as amended ordered to be engrossed and read a third time to-morrow; that on the morrow, April 13, it was "read the third time" and passed, and, having afterward passed the house and been duly enrolled, was signed by the presiding officers of the two houses, filed in the proper office, and published among the laws. The constitution of the State then provided that "every bill shall be fully and distinctly read on three different days, unless, in cases of urgency, three-fourths of the house in which it shall be pending shall dispense with this rule."

In that case it was claimed, as it is claimed here, that the amendment was in fact a "new bill," and that it was only read once, and therefore invalid under the constitutional provision quoted. In the course of the opinion, the court, speaking through Judge Thurman, said: "But, for argument's sake, let it be admitted that the bill as amended was read but once in the senate; is the act for that reason void? That, counting the two readings before the amendment and the final reading, the bill was read three times is conceded, for these readings are shown by the journal; and it is also conceded that, in general, three readings of an amendment are not necessary. But, inasmuch as the amendment in this case is styled in the journal a 'new bill,' it is said that three readings were necessary. Why necessary? The amendment was none the less an amendment because of the name given it. It is not unusual in parliamentary proceedings to amend a bill upon striking out all after the enacting clause and inserting a new bill (Jefferson's Manual, sec. 35). When the subject or proposition of the bill is thereby wholly changed, it would seem to be proper to read the amended bill three times, and on different days; but when there is no such vital alteration, three readings of the amendment are not required."

What is here said by the learned judge covers both points made by the petitioners, for, apart from their claim that every amendment must be read in each house on three several days, it is contended that the purported amendment to the bill in question was in fact no amendment, but a new bill. The original bill was one to divide the State of California into Congressional districts, and the amendment adopted did but change the lines of the districts as fixed in the original bill. "The subject or proposition of the bill" was not at all changed. When that is done the bill as amended should undoubtedly, as observed by Judge Thurman, be read on three several days, for it then becomes in effect a new bill; but not so when there is no such vital alteration.

In the case of The People v. Wallace, 70 Ill., 680, the supreme court of that State held that the constitutional provision of the State requiring bills to be read on three several days before their passage did not apply to amendments, the court saying: "It is also objected that the tenth section of the act was not constitutionally adopted, because it was ingrafted as an amendment whilst the bill was being considered, and was not read on three several days in the House adopting it as an amendment. We are clearly of opinion that the requirement does not apply to an amendment, and

the objection cannot prevail." See, also, McCulloch *v.* The State, 11 Ind., 434-5. Nothing here said conflicts with the decision in Weil *v.* Kenfield, 54 Cal., 111, of the correctness of which I have no question.

MYRICK, J.:

For the reasons given in the opinion of Mr. Justice Ross, I am of the opinion that the act of 1883 is constitutional and valid. I, therefore, concur in the judgment.

It will be seen that the foregoing case was an application by these contestants to the supreme court of the State of California for a writ of mandate to compel the secretary of state to compare and certify to the votes cast at the last elections, in accordance with the law in force in California prior to the passage of the act the validity of which is brought in question by this contest.

It is not denied in this case that the bill itself was read in accordance with the constitutional provisions, but it is said that there was an amendment thereto which should also have been read "upon three several days."

The Miller case was presented for decision in the State of Ohio, entitled "Miller *v.* The State," 3 Ohio St. Rep., 479. The point was very satisfactorily disposed of by Judge Thurman, who was then upon the supreme bench of that State. He admits in his decision that there might be some plausibility in the argument that an amendment radically changing the subject-matter should be read three times, the same as a bill, but holds that to bring an amendment within that objection it should be of such a character as to change the subject or proposition of the bill wholly, and where the amendment does not effect any such radical change in the purpose, aim, and scope of the bill, that it does not come within the constitutional requirement that it should be read three times.

The decision cited of the full bench of the supreme court of the State of California seems to be fully definitive of the principles involved here. Such being the case, your committee, in conformity with an almost invariable rule, follow the construction of the statutes given by the court of last resort of the State from which the cases come.

Such is the rule of the Supreme Court of the United States, and we do not perceive why one so well based upon reason and common sense should be departed from in this case.

In Leavenworth *v.* Barnes (94 U. S. Rep., 70), the validity of a statute of the State of Kansas being assailed as having been improperly passed, the Supreme Court said:

The recent decision upon this identical statute by the supreme court of Kansas, in a suit against this county, relieves us from all embarrassment upon this question. It gives effect and construction to one of its own statutes, and, according to well-settled rules, will be followed by this court.

In support of this rule of construction a number of well considered cases are cited in the opinion.

The same rule has been followed by the House of Representatives in election contests. In the matter of the election of a Representative from the State of Tennessee, in the Forty Second Congress, the Elections Committee said:

It is a well-established and most salutary rule that when the proper authorities of the State government have given a construction to their constitution and statutes, that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious workings of our complex government, State and national, and your committee are not disposed to be the first to depart from it. In the case of Birch *vs.* Van Horn (2 Bartlett, 205) the House refused to go into an inquiry as to the validity of the new constitution of Missouri, upon the ground that it had been recognized as a valid by all the departments of the State government.

While the conclusion arrived at by Justices Ross and Myrick is not uthority to the full extent to which the opinion of the full bench is hus recognized, we present their views as embodying what we regard) be a reasonable construction of that clause of the constitution of alifornia bearing upon the question raised. It is one, we think, which e would not hesitate to adopt did the controversy turn upon the ques- on of constitutional construction alone.

This disposes of everything requiring notice in these cases.

The contestants only received a vote running from six to fifty each, nd upon no ground that would be recognized under any rule of law, r commend itself to any principle of justice, can either one of the con- estees be unseated. Even if they could, it is quite clear that no one of the contestants is entitled to a seat.

Your committee therefore recommend the adoption of the following resolutions:

Resolved, That Barclay Henley, James A. Loutitt, Joseph McKenna, W. W. Morrow, Charles N. Felton, and H. H. Markham were duly elected as Representatives from the State of California to the Forty-ninth Congress, and are legally entitled to their seats.

Resolved, That Alexander M. McKay, Montague R. Leverson, and Archibald McGrew were not elected as such Representatives, and are not entitled to seats in this body.

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TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2339.

SETH M. BARTON.

11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

TUCKER, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 8278.]

he Committee on the Judiciary have had under consideration House 8278, for the relief of Seth M. Barton, of Virginia, and respectfully mmend its passage.

FREDERICKSBURG, VA., *April* 24, 18-6.

he *United States Senate and House of Representatives:*

have the honor to apply for the removal of the disabilities imposed upon me by third section of the fourteenth amendment to the Constitution.

was an officer of the United States Army; resigned, and was in the service of the federate States.

Very respectfully,

S. M. BARTON.

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2340.

J. R. EGGLESTON.

11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

TUCKER, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 8192.]

e Committee on the Judiciary have had under consideration House 8192, for the removal of the political disabilities of J. R. Eggleston, ississippi, and respectfully recommend its passage.

RAYMOND, MISS., *April* 29, 1886.

Senate and House of Representatives of the United States of America:

ur petitioner having once held a commission in the Navy of the United States, after resigning the same held a similar commission in the navy of the Confed- States, he humbly prays that any and all political disabilities that he may have red by such act be removed by your honorable body.

Respectfully, your obedient servant,

J. R. EGGLESTON.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2341.

BRIDGE OVER THE MISSISSIPPI RIVER NEAR SAINT LOUIS.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

r. CLARDY, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 8745.]

he Committee on Commerce, to whom was referred the bill (H. R. 7522) to authorize the construction of a bridge over the Mississippi River at or near Saint Louis, Mo., and for other purposes, have had the same under consideration, and beg leave to submit the following report:

The committee herewith report a substitute for said bill (being the ame in substance with the original bill), which meets the approval of he Secretary of War and also of the persons desiring the bridge.

As some objection, proceeding chiefly if not altogether from persons ngaged in the transportation of lumber by rafting upon the Mississippi River, has been made to the bill, the committee deem it proper to add hat they have given these interests a full and patient hearing before he committee, but nevertheless they feel constrained by the facts in the ase to concur in the opinion of the Secretary of War that there is no ubstantial objection to the passage of the bill under consideration.

The bridge facilities at Saint Louis have long been insufficient for the roper transportation of the traffic crossing the river at that point. An dditional bridge would be a commercial necessity, independent of the pparently well grounded complaints of heavy tolls exacted by the ould bridge (the only one now existing), and the small prospect of the duction of these tolls by reason of the cost of that structure. Its enefits would be by no means a local affair. Its economy would be joyed by the producers and consumers of Missouri, Kansas, Colorado, rizona, New Mexico, Illinois, Indiana, and Ohio, and east thereof beeen the Potomac and Saint Louis. The entire transcontinental traffic ossing the river at Saint Louis is affected by the heavy tax for transortation laid by what is known as the Gould bridge "arbitrary," and ould be equally benefited by a competing bridge.

While the amount transported on the Mississippi River is large, its nportance relative to the railroad traffic is declining. The total freight n tons received at Saint Louis by rail in 1885 was 6,764,168, and by iver only 479,065, a decrease by river since 1876 of 30 per cent., and n increase by rail of 97 per cent. The corresponding figures for shipments from the same point show that the amount shipped and received y river as compared to that shipped and received by rail is about as ne to ten.

It is believed that traffic by steamboat upon the Upper Mississippi River between Saint Louis and points north can pass this bridge as readily as it does the fifteen or sixteen bridges above it, which, like the Alton bridge which lately passed this House, are of precisely the same width of draw. The entire freight received at and shipped from Saint Louis by the Upper Mississippi River in 1884 was only 173,005 tons.

A close inspection of the statistics of lumber transportation on the Mississippi River leads the committee to the conclusion that the degree to which that interest would be affected is very small. By rafts there was received at Saint Louis in 1881, 356,020 tons; in 1885, 253,860 tons, a decrease in four years of 30 per cent. The receipts of lumber at Saint Louis by river in 1885 was 144,971,708 feet; in 1883, 151,178,632 feet; by rail in 1885, 306,104,000; in 1883, 298,921,183. In other words, 68 per cent. was carried by rail, and only 32 per cent. by water. In 1884, the number of rafts passing the bridge at Winona was 2,007; Rock Island, 1,083; Louisiana, 126. Of the total number, 46 per cent. were landed before reaching Rock Island, and 94 per cent. before reaching Saint Louis.

The committee cannot but regard these figures as significant. It is probable that the bridge will be located as near to the Gould bridge as circumstances will permit, and if located within two miles of it, all but one of the lumber yards which receive the rafts coming down the river will be above the bridge.

LOW BRIDGE AT SAINT LOUIS, MO.

JUNE 23, 1886.—Referred to the House Calendar and ordered to be printed.

r. DUNHAM, from the Committee on Commerce, submitted the following as the

VIEWS OF THE MINORITY:

[To accompany bill H. R. 8745.]

The undersigned, dissenting from the views of the majority on House ll 7522, substitute 8745, granting a charter for the construction of a r bridge at or near Saint Louis, Mo, beg to state the following reans for opposing the passage of said bill:

I.

We are not opposed to the construction of a high bridge, and favor ery proper increase of facilities to the citizens of Saint Louis for ossing the Mississippi River, but insist that it is due to those who dere to navigate the Mississippi River that a high bridge and not a w bridge should be built at that point or at any point below the mouth f the Missouri River, which enters the Mississippi about 18 miles above aint Louis.

The chief difference between a high and a low bridge is that the rmer has no opening draw, but is so high that boats can pass under e same without obstruction, and the spans between piers are so wide at rafts, barges, and boats can pass under the same with a minimum f danger, while a low bridge must have an opening span, and the space etween the piers are not sufficiently wide to safely admit of even the assage of rafts. The height of the high bridge at Saint Louis (known s the Eads bridge) is about 50 feet above high-water mark, and there re several spans of 500 feet in the clear, thus, as will be readily seen, viting the free passage of rafts and barges at all stages of the water, d the passage of boats at nearly all stages of water.

II.

The bill permits the construction of the bridge at any point below the outh of the Missouri River and the north line of Saint Clair County, linois, a range of about 15 miles. There is no point in that range here a fixed reliable open channel for the purposes of a draw can be cured. Build the bridge to-day, and with an open channel at the aw, and in one year the place where the draw was may, and likely ll be, a sand-bar, while the channel will have shifted to remote points,

where there is no draw and no possible place for passage. Th tion is fatal to the bill, unless it be the intention of Congress the vast lumber, ice, and other interests from the Mississippi the rail, when the cost of carrying is as $5 to $1 on the river. that there is no possibility of disputing this statement as to a c channel below the mouth of the Missouri, and that a proper re the rights of the great region tributary to the Mississippi River that no low bridge be built. Above the mouth of the Missou on the Mississippi the conditions are very different, and low bri built and passed with comparative safety because fixed chan be found. But after passing below the mouth of the Missour enters the Mississippi with a tremendous influx of mud and sa simply impossible to secure above Saint Louis a fixed open cha the draw of any bridge.

III.

Add to the foregoing the further fact that the volume of nearly double below the mouth of the Missouri as compared volume in the Mississippi River above said mouth, and that th the current below mouth of Missouri is about 2 miles per hour water and 8 miles per hour in high water, while above the mou Missouri the average current is from 2 to 4 miles per hour, and creased risk and danger can be readily understood by any t mind.

IV.

The value of the Mississippi River as a channel of commerce better understood when the following facts are considered, viz:

Ninety per cent. of the white pine received at Saint Louis there by water from the Upper Mississippi. All of the yellow p hard wood from the Southern States is received by rail. Th ments of all kinds of lumber is by rail. Over 1,000,000 tons of ice, wood ties, &c., are landed above Eads bridge at Saint Lo come by the river.

It is proper to state that the most intense feeling exists fro Paul to Saint Louis among the river interests against the const of a low bridge at Saint Louis or below the mouth of the M The following are among those protesting before Congress, viz Davidson and McDonald Brothers, La Crosse, Wis.; Diamond Steamers, Dubuque Lumber Company, and Standard Lumber Co Dubuque, Iowa; Captain McCaffrey, Capt. J. N. Long, Capt. Rambo, C. P. Disney, Le Claire, Iowa; Huse & Loomis Ice and portation Company, Mississippi Valley Transportation Company lenberg & Boeckeler Lumber Company, William A. Lemp, Eau Lumber Company, Eagle Packet Company, Naples Packet Co Jenkins & Sass, The Knapp, Stout & Co. Company, Saint Louis

On March 17, 1882, The Merchants' Exchange of Saint Loui members of which are now pressing this bill, passed the followin

Resolved, That while we are in favor of affording to railroads and bridge co all necessary facilities for crossing navigable streams, we feel that it is equ portant to preserve the navigation of our rivers, and that by enacting a la forth in the bill now under consideration by this exchange both interest fairly protected.

Section 15 of said bill is as follows:

SECTION 15. That all bridges over the Mississippi river between the Eads bridge over said river at Saint Louis, Mo., and a point 8 miles above said bridge shall be high bridges, having two or more channel-spans of not less than 500 feet clear channel-way each, or one channel-span of at least 600 feet clear channel-way. All other spans between the shore-lines of the river at medium stages of water shall be at least 300 feet in length, and the clear head-room under the channel-spans shall not be less than 60 feet above high-water mark and 100 feet above low-water mark.

We therefore submit that the said bill should not pass, unless absolutely limited to a high bridge.

R. W. DUNHAM.
A. J. WEAVER.
THOS. R. HUDD.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2342.

ANNUAL REPORTS OF POSTMASTER-GENERAL.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

. THOMAS B. WARD, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT:

[To accompany bill H. R. 7665.]

The Committee on the Post-Office and Post-Roads, to whom was re-red the bill (H. R. 7665) relating to annual reports of the Postmaster-neral and amendatory of section 413 of the Revised Statutes, having l the same under consideration, report back said bill and recom-nd its passage.

The present provisions of law regarding annual reports are the fol-ring:

EC. 413. The Postmaster-General shall make the following annual reports to ngress:

First. A report of all contracts for carrying the mail made within the preceding ar, giving in each case the name of the contractor; the date and duration of the ntract; the routes embraced therein, with the length of each; the time of arrival d departure at the ends of each route; the mode of transportation; and the price be paid, together with a copy of the recorded abstracts of all the proposals for car-ing the mail, as provided by section three thousand nine hundred and forty-eight, tle "The Postal Service."

Second. A report of all land and water mails established or ordered within the pre-ding year, other than those let to contract at the annual letting, giving in each case e route or water course on which the mail is established; the name of the person ployed to transport it; the mode of transportation; the price to be paid; and the ration of the order or contract.

Third. A report of all allowances made to contractors within the preceding year ove the sums originally stipulated in their respective contracts, and the reasons r the same, and of all orders made whereby additional expense is incurred on any ute beyond the original contract price, giving in each case the route; the name of e contractor; the original service provided for by the contract; the original price; r additional service required; and the additional allowance therefor.

Fourth. A report of all curtailments of expenses effected within the preceding ar, giving in each case the same particulars as in the preceding report.

Fifth. A report of the finances of the Department for the preceding year, showing e amount of balance due the Department at the beginning of the year; the amount postage which accrued within the year; the amount of engagements and liabilities d the amount actually paid during the year for carrying the mail, showing how ch of the amount was for carrying the mail in preceding years.

Sixth. A report of the fines imposed on and the deductions from the pay of contrct-s made during the preceding year, stating the name of the contractor; the nature the delinquency; the route on which it occurred; when the fine was imposed; d whether the fine or deduction has been remitted; and for what reason.

Seventh. A copy of each contract for carrying the mail between the United States d foreign countries, with a statement of the amount of postage derived under the e, so far as the returns of the Department will enable it to be done.

Eighth. A report showing all contracts which have been made by the Depart-t, other than for carrying the mail, giving the name of the contractor; the ar-es or things contracted for; the place where the article was to be delivered, or

the thing performed; the amount paid therefor; and the date and durati
contract.

Ninth. A report on the postal business and agencies in foreign countries.

Tenth. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

And the Postmaster-General shall cause all such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law.

It will be observed that the Postmaster-General is required to cause these voluminous reports to be printed by the Public Printer at a large expense, while the reports thus required are not the usual annual re port by which Congress and the country are informed of the oper tions of this Department. Hitherto the practice has been for the Po master-General to make an annual report to the President for each fis year, appending thereto the reports of the several officers of the Dep ment, and such reports are printed under the provisions of Revi Statutes 3793. The matter they contain renders unnecessary the p ing of the reports required by section 413, which consist of a ma uninstructive, unimportant details, of no use to the Department Congress, and of no interest to the public.

The object of this bill is to give legal sanction and direction manner in which the annual report of the Postmaster-General President is now in practice made up and submitted, and to sa needless labor and expense of printing the several reports requ be printed and submitted direct to Congress. The bill provi these reports, although required to be made as at present, nee printed unless in special or exceptional cases Congress ma necessary and so order.

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H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2343.

KANSAS AND ARKANSAS VALLEY RAILWAY.

11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

PERKINS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 1484.]

he Committee on Indian Affairs, to whom was referred the bill (S. 1) "to grant to the Kansas and Arkansas Valley Railway the right 'ay through the Indian Territory, and for other purposes," have con- red the same, and submit the following report, made by Senator ves, from the Committee on Indian Affairs in the Senate, on the same :

[Senate Report No. 107, Forty-ninth Congress, first session.]

1 the passage by Congress on the 5th of July, 1884, of the act "to grant to the f, Colorado and Santa Fé Railway Company a right of way through the Indian ritory, and for other purposes," and also the act "to grant a right of way through Indian Territory to the Southern Kansas Railway Company, and for other pur- es," Congress asserted the right to to make such grant without the consent of the lians through whose territory such railways were authorized to construct their ds. The committee, therefore, without waiving individual opinion upon the right Congress to make such grants without the consent of the Indians, have considered at question settled by Congress, and have not deemed it of any practical value to nsider it here. They have considered the question whether there is any public exi- ency for the construction of the railroad contemplated in this bill, and what are the rovisions proper for securing to the Indians through whose territory it is to be con- tructed such protection to their rights and compensation for their property taken as rill be fair and just.

The railroad contemplated by this bill leads from Fort Smith, in the State of Ar- kansas, across a small portion of the reservation belonging to the Choctaws, and a nsiderable distance through that belonging to the Cherokees, in a northwesterly irection to the southern line of Kansas, at or near Arkansas City, with a branch de- igned to make connection with existing railroads at or near Coffeyville, in the State of Kansas. The length of the road from Fort Smith to the Kansas line, at or near Ar- kansas City, is 245 miles; and of the branch to Coffeyville, 70 miles. The line will rm a direct connection between the railroad system of Kansas and that of the South- st and make a direct and shorter line from the headwaters of the Colorado to New leans and the Gulf States. These two systems of railway are now separated for nt of this connecting link. With it a most important through line from the Upper souri to the Gulf would be completed.

he road is proposed by an association formed under the laws of the State of Ar- sas by responsible men, able to build the line and directly interested in both the er and lower connections. It seems to the committee to be not only a very im- ant link in this great system of railways, but to be also in the hands of such re- nsible men as will be sure to build and run it in the manner that will most con- ute to the advancement of the public interest.

e committee have endeavored to guard in the best way possible the interest of arties in the Indian Territory likely to be affected by the construction of this ray. The bill provides, in case of failure to make amicable settlement with any pant of lands through which the road may pass, that the amount of damage shall

be determined by three disinterested referees, to be appointed, one by the Presi one by the tribe to whom such occupant belongs, and one by the railroad com with an appeal to the United States district court, at Fort Smith, Ark., or at Wi Kans., by either party feeling aggrieved by the award of the referees.

The bill also provides for a stipulated sum of $50 per mile to be paid to the tri Indians for the right of way through their land, and the right of appeal to the c at Fort Smith, Ark., and Wichita, Kans., by the tribe if they shall not be satisfied this sum. The bill also provides for the payment of an additional sum of $1 annum for each mile of railway during the continuance of the railway, to be pa the tribe in conformity with treaty stipulations on the part of the United S There are provisions also in the bill for proper police regulations and the prote of the Indians of the Territory under the non-intercourse laws.

In the opinion of the committee the rights of the Indians and the public are a guarded as it is possible to protect them by enactment, and the bill contains a vision that Congress may at any time amend, add to, alter, or repeal the provisi the bill itself.

The committee therefore recommend the passage of the bill in a new draft.

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2344.

LANDS OF THE SENECA INDIANS.

r 11, 1886.—Referred to the House Calendar and ordered to be printed.

ORM, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 8746.]

mmittee on Indian Affairs, to whom was referred the bill (H. R. to allot the lands of the Seneca Indians in New York, having had me under consideration, make the following report:

aid bill, as amended by the committee, seeks to allot the lands ing the Cattaraugus and Allegany Reservations, in the State York, to the Seneca tribe of Indians occupying the same in ty.

irst section of the bill declares these Indians to be citizens of the States. If they are competent to hold their lands in severalty ght to enjoy all the privileges and perform all the duties of citi-

second section directs the President of the United States to t three commissioners to allot and divide the lands of the said tion among the resident Indians, share and share alike, on the the value of the same, the children and women to share equally ale adults.

he third section the allotments are to be so made as to include provements made by any Indian on his piece of land.

ons 4 and 5 extend the laws of the State of New York as to of property, and as to inheritance of real and personal estate, Indians on the reservations; except, however, that the lands l to each individual Indian shall remain inalienable for a period ty-five years; nor shall such Indian in any way encumber the uring said period of time, and during said term of twenty-five hey shall be exempt from all taxation. And at the end of said five years the President of the United States may, if he shall for the best interest of the said Indians, continue the exemption lands from conveyance, encumbrance, and taxation for twenty- rs more.

on 6 relates to the duties of the commissioners in preparing the f said survey, marking the boundaries, and allotting the lands, rn to be made by them; and for the patent to be issued by the ry of the Interior to the several allottees.

on 7 appropriates the fund of $233,050 now in the United States y belonging to the said Indians to their use, and properly this fund against loss while in the hands of the commissioners ursement.

Section 8 provides that the rents due the Seneca Nation on leases of their said lands heretofore made, together with the fund appropriated by the preceding section, shall be expended by the commissioners in the purchase of farm implements, teams, and seeds, and the balance of said money shall be paid to the Indians, &c.

Section 9 simply legalizes certain leases of the lands in said reservation under the act of Congress approved February 19, 1875.

Section 10 provides that within one year after said lands have been allotted any Indian desiring to sell his allotment may do so through the said commissioners on the approval of the Secretary of the Interior. The proceeds of such sale, together with the share to which each Indian on said reservation shall be entitled, shall be paid to the Secretary of the Interior, and by him to be used for the benefit of each of said Indians whose lands have been so sold, and then the Secretary of the Interior shall issue a patent in the usual form to the purchaser.

Section 11 gives to each Indian whose lands have been sold as stated in the preceding section the right to locate on lands in the Indian Territory.

Section 12 provides for an election by the Indians on the question of the allotment of lands in severalty. It requires the assent of a majority of the male Indians twenty-one years of age and upwards, expressed by ballot, after due public and timely notice of such an election. It further provides, in case the Indians on said reservation as a tribe shall decide not to accept their lands in severalty, then any Indian on said reservations, desiring to hold his share of said lands in severalty, shall make application to the Secretary of the Interior, who shall cause the same to be set off and allotted to him in fee, &c.

Section 13 extends the laws, both civil and criminal, of the State of New York, so far as applicable, and not in conflict with the provisions of this act, over said reservations. The last section appropriates the sum of $20,000 to carry out the provisions of the said act.

The time has come when the United States must adopt a different policy in relation to these Seneca Indians. The welfare of the Senecas and of the surrounding white population alike demand the change. The progress of society and the growth of that section require such alteration of policy. The principles of the bill are in the direction of the best thought on the Indian question. It can now be fairly said that all the departments of the Government favor the idea of granting lands to the Indians in severalty, under restrictions more or less stringent, according to the advancement the Indian has made in civilization.

No tribe of Indians are better fitted for this experiment than the Seneca Indians of Western New York. For more than a century they have been the subjects of educational and religious teachings and influences. At a very early day the Society of Friends commenced their missionary labors among them, and they have continued down to the present time.

The Seneca Indians on the Allegany Reservation occupy a strip of land lying on each side of the Allegany River, averaging about half a mile in width, and extending more than 40 miles, and containing 30,469 acres. The bottom land is good in quality, though liable to overflow, some of which is under cultivation; the land lying back from the river is mostly timber, and is inferior in fertility. According to a census report for 1865, the wealth of this band is $60,000; they have 54 frame, 30 log, and 62 plank dwellings. The land cultivated is put down at 2,436 acres, and the products are stated to be 174 bushels of wheat, 6,260 bushels of corn, 329 bushels of rye, 4,779 bushels of potatoes, 47 bushels of turnips,

of hay, 635 pounds of maple sugar. Their stock numbers 84
377 cattle, 289 swine, and 55 sheep.
opulation for a number of years has been gradually increasing,
he last census there were 949, of whom 426 were children; of
6 were between 4 and 21 years of age. The number of families
180. There are six schools on this reservation, under the care
tate superintendent of public schools, and are supported from
nds. Besides there is a Friends' boarding school on their farm,
g the reservation, for the benefit of these Indians.
enecas on the Cattaraugus Reservation occupy lands along the
gus Creek, in Erie, Cattaraugus, and Chautauqua Counties,
k. The soil is fertile and well adapted to farming; a large part
leared and fenced, and some of the farms are well cultivated.
e 21,680 acres, with a population of 1,512, one-half of whom
lren, and over 500 are of school age. They have 43 frame, 103
103 plank dwellings, and 15 shanties. The wealth of this
put down at $85,000. There are represented to be 4,962 acres
ltivation, and yielding 3,082 bushels of wheat, 12,363 of corn,
rley, 11,104 of potatoes, and 759 tons of hay. They make 972
of sugar, and have 285 horses, 907 cattle, 424 swine, and 24

is reservation and at Allegany there are places of worship
ably furnished, occupied by Presbyterians, Methodists, and
s.
rincipal of the annuity funds held by the United States and be-
to the Indians on those reservations is $233,050, the annual
of which is $11,902.50, and is annually paid to them through
eca agent. This annual payment when divided among these
gives a per capita sum of $3.90; the lands if equally divided
give to each individual Indian 20 acres. This small sum annu-
ed out by Government is of little benefit to the industrious In-
nd to the one who is thriftless it is really a curse, only serving
r a few days' debauch. Such is the information the committee
eceived from those who know the facts. These lazy, shiftless
s are obstacles to the progress of the industrious and frugal.
nited States, which have assumed the guardianship of these peo-
ve no right to tie down this better class to this worse class by the
s of tribal relations. Let such Indian willing to become a citizen of
nited States, and desiring to hold his share of the common prop-
n severalty, have the right to do so. In no other way is it possible
ke them self-supporting and self-respecting. The status of these
s amply warrants this undertaking. They are not like their red
en in the West, surrounded by hostile tribes or unfriendly whites,
re on all sides surrounded by a highly civilized and Christian
ation, who are friendly and kindly disposed.
se reservations are now impediments to the natural and healthy
h of that section of the State of New York. Railroads have been
ucted through these lands. The Atlantic and Great Western
y runs over them through the city of Salamanca and the village
l House for a distance of 16 miles; the New York and Erie Rail-
ns through them for a distance of about 15 miles; a third rail-
om Pittsburgh, runs through the entire length of the reserva-
hich is about 40 miles. Along the lines of these railways a
umber of towns and villages has grown up within the last ten
en years. So pressing did the necessity become for some
to accommodate this growth that in 1875 Congress authorized

the Indians to execute leases for lands along portions of these roads and ratified the leases theretofore made by the Indians of these same lands. By the terms of the act these leases are practically perpetual, for the lessee has the right to have the same renewed every twelve years *ad infinitum*.

The bill recommended by the committee goes only one step further in removing restrictions upon the alienation of these lands, but does it with less indirection than Congress did in 1875.

Men will not improve on leased lands as they will on lands which they own in fee simple. All improvements on such leased lands will be less permanent and costly than where the improver knows that he will certainly reap, unmolested, the fruits of his labor.

The committee report the accompanying bill as a substitute for said House bill 1642, and recommend that it do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2345.

BUSINESS FROM THE COMMITTEE ON MINES AND MINING.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. HILL, from the Committee on Mines and Mining, submitted the following

REPORT:

[To accompany Mis. Doc. 247.]

The Committee on Mines and Mining, to whom was referred the resolution fixing Monday, 24th day of May, 1886, for the consideration of House bill 8084, on the Private Calendar, report the same back, with the following amendment, to wit:

Resolved, That Monday, 24th day of May, 1886 (after the call of States and Territories, &c.), is hereby set apart for the consideration of bills reported from the Committee on Mines and Mining.

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2346.

JOHN E. DOGGETT.

l, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

[ATSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8372.]

Committee on Invalid Pensions, to whom was referred House bill 2, having had the same under consideration, beg leave to report as lows:

orge R. Doggett was a private in Company L, Eighth Indiana lry, and was killed in action at Pulaski, Tenn., on the 27th day of ember, 1864.

e widow was pensioned on account of the death of said soldier, but been dead for several years.

hn E. Doggett is a son of said soldier, and is a deformed cripple has been such from his infancy. He has curvature of the spine has an unnatural formation of the heart. He has never been able erform any kind of labor, either manual, clerical, or any other , and is for the greater part of the time compelled to keep his bed. s natural protector sacrificed his life in defense of his country. claimant is poor, needy, and has been and is now an object of pub- iarity. He asks to be pensioned on account of the death of his r.

there is now no pension given on account of the death of said r, and as this applicant stands in the relation of a dependent, and lways stood in that relation, this committee has not hesitated to the relief asked, and report favorably upon said bill, with the fol- g amendment: Insert between the words "cavalry" and "subject" e 6 the following words: "as a dependent son of said soldier, and im a pension of twelve dollars per month."

O

ɔNGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ession. } { No. 2347.

SUSAN HAWES.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

TSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7234.]

mittee on Invalid Pensions, to whom was referred the bill (H. R. granting a pension to Susan Hawes, having considered the same, the following report:

laimant is the dependent mother of Jeremiah Hawes, who en- Company G, Fourth Regiment United States Artillery, Feb- 3, 1861, and was discharged February 18, 1864. Soldier filed lication for a pension March 15, 1881, alleging the incurrence of ability of partial paralysis of the right arm, side, and leg, the f an injury received at the battle of Green River, West Vir- ctober, 1861, by the premature discharge of a cannon, render- soldier unconscious for some time, the concussion causing the s above stated. Soldier died July 13, 1883, while his claim was ding in the Pension Office.

Hawes, soldier's dependent mother, filed her application for May 2, 1885, the same being rejected by the Department on the that in the opinion of the office the soldier's death was a result njury received in a railroad accident a few hours before his A careful examination of the evidence now on file in this case s the following facts: That soldier received the injury as alleged, g in partial paralysis of the right arm, side, and leg, and partial derangement, which is fully established by the evidence of J. din and other comrades, members of his company, who were during the battle and saw soldier receive his injury.

o appears from the evidence in the case that soldier never com- is claim in the Pension Office, owing principally to soldier's de- condition, he having been ordered before two different boards ining surgeons for examination, but on the days fixed for said ations he could not be found by his friends; it also appears from lence that on account of soldier's physical and mental infirmity for a number of years an inmate of the Soldiers' National Home, on, Ohio, which is fully substantiated by General Patrick, then ge of that institution. The particulars of soldier's death are as : He was returning from Buffalo, N. Y., where he had been for me under treatment for paralysis and heart trouble, and in at- g to step on a slowly-moving freight train at Galena, Ohio, made ep and the car-wheel passed over his left foot, bruising it badly;

he was taken to a hotel and Drs. Brown and Coyle were called to dres the wound, and while they were preparing to do so soldier suddenl; died.

Drs. Brown and Coyle, in their affidavits and in their letters to th Pension Office, state that while the foot was badly bruised there wer no bones broken, and the injury was not sufficient to endanger life no cause death, and that in their opinion death resulted from some dis ability existing prior to the accident, probably heart disease or paralysis, as his appearance was that of extreme emaciation and debility.

The evidence also shows the claimant, soldier's mother, to be now seventy-two years of age and in destitute circumstances, traveling about and stopping with friends.

Your committee being of the opinion that soldier's death was a result of injury received while in the service, report the bill favorably, with the recommendation that it do pass.

C

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2348.

DAVID M. RENNOE.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

TSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7914.]

mittee on Invalid Pensions, to whom was referred the bill (H. R. to increase the pension of David M. Rennoe, having considered the submit the following report:

claimant, David M. Rennoe, enlisted as a private in Company H, -ninth Indiana Volunteers, November 29, 1861, and was honor- scharged March 23, 1863, for gunshot wounds received at the of Murfreesborough, Tenn., December 31, 1862.

nant was pensioned December 28, 1863, at the rate of $8 per for loss of right foot, which has been increased from time to time is now receiving a pension for total third grade. Application increase of pension was rejected by the Pension Office for the that, in the opinion of the office, claimant was not entirely dis- d for the performance of manual labor.

evidence now on file in this case discloses the following facts: was wounded at the battle of Murfreesborough, Tenn., Decem- 1862, the ball passing through the left foot, just in front of the lus and os calcis bones, and through the center of the os calcis of it foot, fracturing the bone in many pieces. Three months after, was discharged from the service on account of said wounds. In ge it is stated "gunshot wound, fracture of the right and left sis; disability total."

short time after the arrival of soldier at home it became neces- amputate the right foot to save his life. The board of examin- geons at South Bend, Ind., make the following report upon ation:

ner's right foot is off about 18 inches above the ankle; left foot shot through d a little forward of the ankle-joint. We find the foot tender, and he is not of walking or being on his left foot much on account of the lameness and it produces; foot looks tender and red. The wounds of neck and hand are ul, and he says does not trouble him. We find his disability as described be equal to and entitling him to total third grade for loss of right foot, and total for wound of left foot.

vidence of the examining surgeons and the citizens of his home establish the fact that the soldier is now receiving a pension

only for the amputation of right leg, and nothing on the wounds of left foot, neck, or hand, and that soldier is unable for the performa of manual labor.

Your committee, being unanimously of the opinion that claimar entitled to an increase of pension, report the bill favorably with the lowing amendment: Strike out the word "forty," in line 7, and in "thirty," and recommend the bill as amended do pass.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2349.

SARAH A. TUCKER.

MAY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WINANS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7193.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7193) granting a pension to Sarah A. Tucker, have had the same under consideration, and beg leave to submit the following report:

Sarah A. Tucker is the mother of Charles P. Tucker, who enlisted in Company I, First Wisconsin Volunteers, October 5, 1861, and died at Andersonville prison July 10, 1864.

The claimant lost another son in the Army, while three others served and were discharged.

Her claim for pension as dependent mother of Charles P. Tucker has been rejected by the Pension Office on the ground that the evidence fails to show dependence upon the soldier at time of his death.

It appears from the evidence on file that the son, Charles P., was a stone-mason by trade, and, being a single man, made his home with his parents, who owned a small place, and with the son's assistance were moderately comfortably situated. Nearly all of the son's earnings went in the common fund of the family, and after enlistment he is shown to have contributed to the support of the claimant, but the exact amount of such contributions cannot now be ascertained, as the letters of the soldier furnishing this information were destroyed by fire some years ago.

The ground of rejection of the mother's claim appears to have been based principally upon the certifications of the proper officers of the assessments standing against the claimant and her husband during the alleged period of dependence and since. In 1864, the year of the son's death, they were assessed for real estate $550, and on personal property, $140; while in 1868 the assessment reached $1,900 on real estate, and $22 on personal property. The latter is the maximum assessment during any year since 1861; while in 1878 the real estate of claimant and her husband is assessed at $750, and since that time in no one year higher than $120.

The increased value of real estate after the son's death is fully explained by testimony as well as by certified extracts from the records of conveyances of the county in which located. Claimant's husband purchased with the money sent home from the Army by his younger sons a certain tract of land, which he held in his own name in trust for the sons, and subsequently conveyed it to them. In 1873 claimant's

VINANS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8280.]

'ommittee on Invalid Pensions, to whom was referred the bill (H. R. 0) granting a pension to John Patton, have had the same under con- ration, and beg leave to submit the following report :

ın Patton claims pension on account of chronic rheumatism al- to have been contracted while serving as a private in Company ınth New York Heavy Artillery. His claim has been rejected on round that there is no record evidence of treatment for alleged ility, and the parole evidence furnished by the claimant is not ed sufficient to warrant favorable action.

e records of the War Department show that claimant enlisted ıst 19, 1862, and was discharged June 23, 1865. Was admitted ıst hospital, Fort Baker, D. C., January 28, 1863, with chronic hea, and returned to duty March 25, 1863. Admitted to Lincoln ral Hospital, D. C., August 15, 1864, with chronic diarrhea; fur- ıed November 5, 1864; readmitted November 19, and returned to December 28, 1864.

mrade Isaac Algier testifies that he was a nurse in Lincoln Hospital, ., during the summer and fall of 1864, and knows that claimant an inmate of said hospital, suffering from pain in side and rheuma-

mrade Hiram S. Perkins testifies that claimant was a sound and hy man at and prior to his enlistment, and that at Fort Davis he taken with rheumatism, when he was removed to a hospital called st Baker Hospital," where affiant visited him a number of times. erstood claimant was suffering from pleurisy, and knows that he had

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2351.

CHARLES ROBINSON.

MAY 11, 1886.—Laid on the table and ordered to be printed.

WOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6082.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R. 32) granting a pension to Charles Robinson, respectfully report:

r committee find that this claim has not been rejected by the Pen- ffice, and, in accordance with the rule of this committee, rigidly d to, they report adversely, and recommend that the bill do lie on le.

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2352.

JACOB BAKER.

MAY 11, 1886.—Laid on the table and ordered to be printed.

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3646.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 3646) granting a pension to Jacob Baker, respectfully report:

his bill asks that the Secretary of the Interior be authorized and di-
ed to place on the pension-roll, subject to the provisions and limita-
of the pension laws, the name of Jacob Baker. Your committee
that this name has been placed on the pension-roll, originally at
er month, which was increased May 20, 1885, to $4 per month.
thus appearing that all the requirements of the bill have already
complied with by the Pension Department, your committee recom-
that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2353.

WILLIAM BROWN.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3654.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3654) granting a pension to William Brown, respectfully report:

They find that this claimant's case has not been rejected by the Pension Office, and, in accordance, with the rule laid down and strictly adhered to by this committee, they report the bill adversely, and ask that it do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2354.

MARY BYERS.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6560.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6560) granting a pension to Mary Byers, respectfully report:

Your committee find that this claim has not been rejected by the Pension Office, and evidence was called for as late as March 23, 1886.

In accordance with the practice of this committee in not passing upon cases not rejected by the Pension Office, they report the bill adversely, and ask that it be laid on the table.

O

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2355.

ANDREW S. CALLUM.

MAY 11, 1886.—Laid on the table and ordered to be printed.

WOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6576.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R. 6) granting a pension to Andrew S. Callum, respectfully report:

r committee find that there is no doubt as to the soldier having ounded in the service in line of duty by the explosion of a bat- wo pieces of copper cartridges striking him in the throat as al- but a careful examination of the papers in the case shows that nsion office rejected the claim correctly on the ground of "no ity in a pensionable degree from alleged cause since discharge," iown by the reports of the examining surgeons herein quoted. board of examining surgeons of Scranton, Pa., examined the nt October 6, 1880, and reported:

il to find any evidence of the wound or of the disability claimed.

ch 16, 1881, the same board again certify:

isability is invisible to us. If the applicant was wounded as stated we are to confirm it by ocular evidence. On neither occasion before us has he dem- any loss of voice. We think there is no disability.

ir committee believe that the soldier's wound was slight and that s not entitle him to a pension, and they therefore report adversely, sk that the bill do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2356.

MRS. ANNA M. CLARK.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6749.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6749) for the relief of Mrs. Anna M. Clark, respectfully report:

This bill asks that the claimant be paid a sum equivalent to the amount payable as an annual pension to the widow of a captain in the United States Army for each year or portion thereof from the 10th day of May, 1861, to August 10, 1869.

She was allowed pension from, and received her certificate, at the latter date.

Your committee have always refused arrearages of pension to applicants, and they therefore report this bill adversely, and ask that it do lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2357.

AGNES HARKNESS.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2146.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2146) granting a pension to Agnes Harkness, respectfully report:

Your committee find that on the 6th day of April, 1886, by certificate of same date, this claimant was allowed her pension at the rate of $20 per month, commencing July 27, 1883, by the Pension Office; they therefore report this bill adversely, and ask that it do lie on the table.

O

CONGRESS, t Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2358.

ELIZABETH H. INGHRAM.

MAY 11, 1886.—Laid on the table and ordered to be printed.

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3638.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 3638) granting a pension to Elizabeth H. Inghram, respectfully report:

It appears that this claimant's case has not been rejected by the Pen on Department.

This committee has invariably declined to consider claims which have ot been passed upon by that Department, and they therefore report his bill back to the House with the request that it do lie on the table.

I CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2359.

JOHN L. JACOBS.

MAY 11, 1886.—Laid on the table and ordered to be printed.

. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4251.]

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 4251) granting a pension to John L. Jacobs, respectfully report:

This claimant is in receipt of a pension, his claim having been al-wed by the Pension Department June 28, 1884.

Your committee therefore report this bill adversely, and ask that it o lie on the table.

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2360.

JOHN L. JACOBS.

MAY 11, 1886.—Laid on the table and ordered to be printed.

WOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4698.]

Committee on Invald Pensions, to whom was referred the bill (H. R. 98) granting an increase of pension to John L. Jacobs, respectfully re-rt:

his bill asks that the claimant be paid the same pension as though disability had occurred when a lieutenant instead of a private ier. Claimant applied to the Pension Bureau for a pension on ac-it of "having been prostrated with heat and exposure to the sun, ndersonville, Ga., in the latter part of July, 1864, from the effects hich he is still suffering." His claim was allowed and he received month from October 13, 1880, to January 21, 1885, at which date eceived $6 per month, his disability entitling him to a three-fourths ng, as is shown by the board of examining surgeons of York, Pa. he request embodied in this bill was made to the Pension Bureau l denied.

our committee, taking into consideration that claimant was a private lier at the time the disability for which he is pensioned occurred, hold t, his having re-entered the service as a second lieutenant some nths afterwards, does not entitle him to be pensioned as asked for this bill, and they therefore report adversely, and ask that the bill lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2361.

EZRA NEFF.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5402.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5402) for the relief of Ezra Neff, respectfully report:

This bill asks that the pension of Ezra Neff, be rerated at $10 per month, commencing at discharge from the military service, deducting therefrom the amount that has been paid.

Your committee find that Ezra Neff has already been rated at $10 per month by the Pension Department, and they cannot undertake to recommend the payment of arrearages to any claimant. They therefore report this bill adversely, and recommend that it lie on the table.

O

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. { { No. 2362.

HEIRS OF THE LATE HENRY CLAY NIELDS.

MAY 11, 1886.—Laid on the table and ordered to be printed.

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2122.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 2) to increase the pension of the widow and heirs of the late Lieutenant-Commander Henry Clay Nields, respectfully report:

is bill proposes to increase the pension of the widow and heirs of ate Lieutenant-Commander Henry Clay Nields from $30 to $50 nonth.

ithout entering into the question of the character of the service ered by Lieutenant-Commander Nields, your committee decline viate from their established rule not to recommend the pension osed in this bill to the widow of any officer under the rank of gen- officer.

ey therefore ask to be discharged from the further consideration e bill, and recommend that it do lie on the table.

O

H CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2363.

NORTON L. NEWBERRY.

MAY 11, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2167.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2167) for the relief of Norton L. Newberry, respectfully report:

This bill asks Congress to increase the soldier's pension from $8 to $24 per month.

The soldier is now in receipt of $50 per month for amputation of left e arm and asthma. Your committee therefore report back this bill rersely, and ask that it do lie on the table.

C

CONGRESS, t Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2364.

JOSEPH VAN HOLT.

MAY 11, 1886.—Laid on the table and ordered to be printed.

. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5752.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 5752) granting a pension to Joseph Van Holt, respectfully report:

his bill does not ask for an increase of pension, and as claimant was red a pension by the Pension Office, commencing January 12, 1879, committee report the same adversely, and ask that it do lie on the

ere are several petitions before this committee, asking that they orize the Commissioner of Pensions to pay claimant arrears of pen- from July 29, 1864, the date of his son's death, to January 12, 1879, late of the death of his wife, the soldier's mother, and at which this claimant's pension began.

e Pension Office fixed the date of this certificate, and a careful ex- ation of the claim does not justify your committee in making an tion to their established rule of not allowing arrears of pensions. ey therefore deny the claimant the relief asked for in his petitions.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2365.

NEWCOMB PARKER.

MAY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S.1077.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1077) granting a pension to Newcomb Parker, submit the following report:

That they have examined Senate bill No. 1077, and the evidence pertaining thereto, and that they hereby adopt Senate report thereon, which report is in words and figures as follows:

[Senate Report No. 561, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1077) granting a pension to Newcomb Parker, have examined the same, and report:

The claimant, Newcomb Parker, late private of Company K, Eleventh Vermont Volunteers, enlisted August 14, 1862, and was discharged February 8, 1864. He made application for pension January 7, 1880, alleging dislocation of right ankle by a falling stockade at Fort Slocum, Dak., about January 1, 1864. The claim was rejected November 10, 1885, on the ground that the claimant is unable to prove that he contracted or had any disability in the service that he did not have prior to enlistment.

It appears from the report of the Adjutant-General that this soldier was disabled by reason of lameness from the fracture of ankle-joint December 31, 1863, and that on February 8, 1864, was discharged for disability, but when and where fracture of ankle occurred the records do not show. The certificate of disability for discharge is, however, on file, and states that he was found unable to perform the duties of a soldier because of old and irreducible dislocation and fracture of right ankle-joint received at Fort Totten, Dak., and unfit for duty in invalid corps, discharged at his own request, disability one-quarter.

The last examination by a medical board, August 6, 1885, rates the disability by reason of injury to right ankle at total.

The claimant has entered evidence of several parties who knew him before enlistment, showing that he was then a sound man and had no difficulty with his ankles, and also testimony as to the incurrence of the disability in the service.

The report of a special examiner, dated October 23, 1885, which closes as follows, is also on file:

"From the testimony in this claim I am of the opinion it is one of merit, and therefore respectfully recommend it for admission."

The report of another special examiner, in which a large amount of testimony was taken, dated August 4, 1885, is also on file, in which he states:

"I think there is merit in the claim for injury of right ankle, and that, on that account, it may be admitted."

It would seem from this evidence that there can be no doubt that this disability was incurred in the service, and that this case should properly have been admitted as recommended—as recommended by the special examiners—in the Pension Office. Why it was not so admitted does not appear from the papers.

Your committee recommend the passage of the bill.

The committee therefore recommend the passage of the same.

O

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2366.

AUGUSTUS FIELD STEVENS.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

ECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1726.]

mmittee on Invalid Pensions, to whom was referred the bill (S. 1726) ting a pension to Augustus Field Stevens, submit the following rt:

t they have examined Senate bill 1726 and the evidence relating ; that they hereby adopt Senate report thereon, which report is ds and figures as follows:

[Senate Report No. 619, Forty-ninth Congress, first session.]

mittee on Pensions, to whom was referred the bill (S. 1726) granting a pension to Augustus Field Stevens, have examined the same, and report:

ecord shows that the petitioner enlisted as a private in Company L, Second nt Illinois Cavalry, on the 12th of August, 1861, and was discharged October The regimental surgeon, who issued the certificate of discharge, says:
d him incapable of performing the duties of a soldier because of general de- dvanced age, unfit for service before entering."
ks for a disability pension on the ground that he contracted chronic diarrhea, tery, while in the service. It appears from the evidence that he has long roken-down man; that he has been continuously treated for the ailments nd for other complaints. There is evidence from comrades and other persons re known him long showing that he was in good health when he enlisted, and illness almost immediately succeeded that event; but there is a quantity of ictory testimony biased in about equal proportion for and against the claim-

the fact that the petitioner was less than sixty days in the service, it would almost impossible that he should have contracted disease in the line of duty; eless, he was accepted as a sound man, which he undoubtedly was to an ex- t qualified him for occupation that enabled him to earn a support. If he was o enter the military service, the fault was not his that he was accepted and the front, and while it is possible that his age and other infirmities were a ification, the committee are of the opinion that if he had been rejected, as it ted he should have been, he would have been in better physical condition, and is present needy circumstances.
ill is therefore reported favorably, with a recommendation that it do pass.

evidence warrants the conclusion that soldier was sound at en- nt, and that his disease was contracted in the Army, in the line duty.
committee therefore recommend the passage of said bill.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2367.

JOSEPH SHULL.

AY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

r. NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1841.]

he Committee on Invalid Pensions, to whom was referred the bill (S. 1841) granting a pension to Joseph Shull, submit the following report:

That they have examined Senate bill No. 1841, and the evidence pertaining thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

[Senate Report No. 609, Forty-ninth Congress, first session.]

he Committee on Pensions, to whom was referred the bill (S. 1841) granting a pension to Joseph Shull, have examined the same, and report:

The petitioner was a private in Company G, Seventy-seventh Regiment Illinois Volunteers, and applied for a pension in April, 1872, for injuries resulting from a gunshot wound of head. The application was rejected on the ground that there is no evidence of disability. The board of examining surgeons and the physicians to whom he was directed to report for special examination agree as to the existence of disability, but disagree as to its extent.

The testimony of the captain, of his comrades and acquaintances shows that the man received a hurt, and that he is disabled in consequence.

Your committee report the bill favorably, with a recommendation that it do pass.

The committee therefore recommend the passage of said bill.

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2368.

EDWARD FENLON.

1, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

V. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2136.]

Committee on Claims, to whom was referred the bill (S. 2136) for the ief of Edward Fenlon, having considered the same, submit the follow- report:

is bill is identical with that reported favorably from this com- e during this session, the report of this committee having been ted by the Committee on Claims of the Senate.
e committee recommend the passage of this bill.

[Senate Report No. 538, Forty-ninth Congress, first session.]

mmittee on Claims, to whom was referred the bill (S. 392) for the relief of Edward Fenlon, having considered the same, submit the following report:

claim was sent by the House at the last Congress to the Court of Claims un- e act of March 3, 1883, commonly called the Bowman act, to find and report the The findings of fact of that court constitute the appendix to this report.
ppears from those findings that the claimant, in January, 1879, entered into a ct with the chief quartermaster of the Department of the Missouri for the ortation of military supplies from Alamosa to Fort Lewis, Colo.
claim has been considered by the House Committee on Claims of the present ss, the report of which committee (House Report No. 334) your committee and of which the following is a copy:
It appears that said contract between claimant and the United States con- he following provisions, to wit:
RT. 12. That, for and in consideration of the faithful performance of the stipula- f this agreement, according to the true intent and meaning thereof, the said f the second part shall be paid at the office of the chief quartermaster of the ment of the Missouri, or by an officer to be by him designated for the purpose, legal currency of the United States, at the rate $2.05 per 100 pounds for the distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and to be 88 miles. * * *
ransportation will in all cases be paid according to the distance from the place rture to the place of delivery, the distance to be ascertained and fixed by the uartermaster of the Department of the Missouri, and in no case to exceed the e by the shortest practicable route.' * * *
That 88 miles, as the distance between Alamosa and Fort Lewis, was based upon ntations of the officer of the Quartermaster's Department, who, on behalf of ited States, entered into said contract with claimant, to the effect that by the of summer, and in season for the transportation of the military supplies by imant, the chief engineer officer would open a new road between Alamosa and wis, the distance of which, as surveyed, was 88 miles; that the United States

failed to open said new road ror the transportation of said military supplies claimant.

"(3) Notwithstanding the failure to open said new road, the claimant was r by the officer of the Quartermaster's Department to transport 386,157 pounds plies over what was known as the Conejos cut-off, the distance via which, asce and fixed by the chief quartermaster of the Department of the Missouri w miles; that during the late fall and winter of 1879 and 1880 said cut-off was im cable for the transpo·tation of said supplies by reason of deep snow in the mo gorges; that, while said cut-off was thus blocked by snow, the claimant was re by the officers of the Quartermaster's Department to haul 178,219½ pounds of m supplies by the then only practicable road, a distance of 234 miles, as ascertain fixed by the chief quartermaster of the Department of the Missouri.

"(4) That on the 15th of September, 1879, the claimant notified said quarter in substance, that the new road provided for in the contract had never been o and that he would be compelled to transport said supplies by a longer route, a he should expect to be paid for the haul 'from place of departure to place of de In reference to this notification, the Quartermaster's Department, acting United States, agreed that claimant was entitled to be paid from place of de to place of delivery, and sought to have him so paid; that again on the 19th cember, 1879, the claimant notified said chief quartermaster that the ordina had for more than a month been rendered impracticable, by reason of deep sno transporting said military supplies, and that he had been compelled to haul t plies more than double the distance, by the only practicable route, and reque be paid for distance necessarily traveled; that said officer agreed that said cl was entitled to be paid as claimed.

"(5) The Court of Claims found that the amount for transporting the sup miles, at $2.05 per 100 pounds, would be as follows:

386,157 pounds 88 miles equals	$8,
178,219½ pounds 88 miles equals	4,
Total	12,

"This amount was paid to the claimant. The Court of Claims found that, claimant was allowed for the distance 'from place of departure to place of de by the nearest practicable route at the contract price of $2.05 per 100 pou would have been entitled to the following:

386,157 pounds 105 miles equals	$9,
178,219½ pounds 234 miles equals	11,
Total	21,

"That the claimant was only allowed and paid the sum of $12,435.39, on t that the military supplies were only transported 88 miles, thus leaving a dif of $8,627.98 between the amount paid claimant and that which would be due him for the distance which the supplies were transported by the shortest practicabl as fixed and ascertained by the chief quartermaster of the Department of the M

"The committee are satisfied that said amount of $8,627.98 should be paid the ant, Edward Fenlon, and herewith submit a substitute for bill H. R. 690, the of which the committee recommend, and that the original bill do lie upon the

Your committee report herewith a substitute for S. 392, with the recommen that it do pass, and that bill S. 392 be indefinitely postponed.

APPENDIX.

FINDINGS OF FACT BY COURT OF CLAIMS.

In the Court of Claims, Edward Fenlon *vs.* The United States, No. 129, C sional case.

At a Court of Claims held in the city of Washington on the 27th day of April 1885, in the cause aforesaid, the court filed findings of fact, and it was order a copy duly certified be reported to the Committee on Claims of the House of sentatives, together with a copy of this order.

BY THE Co

Findings of fact filed by the court, April 27, 1885.

ıse, referred to the court by the Committee on Claims of the House of Repre-
s, May 23, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485),
een heard by the court, the Attorney-General, by his assistants, appearing
lefense and protection of the United States, as required by said act, the
on the evidence, finds the facts to be as follows:

FINDINGS OF FACT.

the 2d day of June, 1879, the claimant, Edward Fenlon, entered into a con-
writing with Colonel Rufus Saxton, deputy quartermaster-general and chief
aster Department of the Missouri, acting on behalf of the United States, for
tation of military supplies on route seven during the fiscal year ending June
and that among the provisions of said contract are the following, to wit:
12. That for and in consideration of the faithful performance of the stipula-
this agreement, according to the true intent and meaning thereof, the said
the second part shall be paid at the office of the chief quartermaster of the
ent of the Missouri, or by an officer to be by him designated for the purpose,
gal currency of the United States, at the rate of $2.05 per 100 pounds for the
stance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and
be 88 miles." * * *
sportation will in all cases be paid according to the distance from the place
ture to the place of delivery, the distance to be ascertained and fixed by the
artermaster of the Department of the Missouri, and in no case to exceed the
by the shortest practicable route." * * *
at the distance of 88 miles between Alamosa and Fort Lewis, Colo., was based
representation of the officer of the Quartermaster's Department who, on be-
he United States, entered into said contract with the claimant, that Lieu-
tuffner, chief engineer officer, would, by the middle of the summer, and in
or the transportation provided for, open a new road between said places, the
via which, as surveyed, was 88 miles.
he new road mentioned in the second finding was not opened, and was not at
during the continuance of said contract made practicable for the transpor-
er it of the supplies which were transported under said contract.
he claimant was required by the officer of the Quartermaster's Department,
he time covered by the contract, and when such route was practicable, to
t 386,157 pounds of supplies by a route known as the Conejos cut-off, the dis-
a which route was ascertained and fixed by the chief quartermaster of the
ent of the Missouri at 105 miles.
e value of the transportation service performed and specified in the fourth
according to the distance from the place of departure to the place of deliv-
ascertained and fixed by the chief quartermaster of the Department of the
, at the rate of $2.05 per 100 pounds for 88 miles, is $9,647.96, and the amount
paid the claimant for said service is $8,142.79.
uring the late fall and winter of 1879 and 1880 the Conejos cut-off was an
cable route for transporting said supplies, by reason of the deep snow in the
n gorges, and during that time the claimant was required by the officers of
rtermaster's Department to transport 178,219½ pounds of military supplies via
known as Ojo Caliente and Tierra Amarilla, which was the only practicable
such transportation, the distance via which route was ascertained and fixed
hief quartermaster of the Department of the Missouri at 234 miles.
he value of the transportation service performed and specified in the sixth
according to the distance from the place of departure to the place of delivery,
ained and fixed by the chief quartermaster of the Department of the Mis-
the rate of $2.05 per 100 pounds for 88 miles, is $11,415.41, and the amount
paid the claimant for said service is $4,292.60.
On the 15th of September, 1879, the claimant notified the chief quartermaster
epartment of the Missouri, in substance, that the new road which was to be
or the transportation of supplies under his contract—the distance via which
ed in the contract at 88 miles—was not opened, and was not likely to be
n consequence of which he was compelled to transport said supplies by the
onger route, and that he should expect to be paid according to the distance
place of departure to the place of delivery.
e officers of the Quartermaster's Department, acting for and on behalf of
d States in this transaction, in response to this notification, agreed that the
was entitled to be paid according to the distance from the place of departure
ace of delivery, and sought to have him so paid.
the 20th of December, 1879, the claimant notified the chief quartermaster
epartment of the Missouri that the ordinary route of transportation had for

more than a month been rendered impracticable, by reason of deep snows, for the transportation of supplies, and that he had been compelled to make a detour of more than double the distance, which detour was the only practicable route between the two points, and requested to be paid for the necessarily greater service, and said officers agreed that the claimant was entitled to be paid as claimed.

XI. The Second Comptroller of the Treasury refused to authorize the payment to the claimant for the supplies transported via the Conejos cut-off, specified in the fourth request, of more than $8,142.79, and he also refused to authorize payment to the claimant for the supplies transported via the Ojo Caliente and Tierra Amarilla route, specified in the sixth request, of more than $4,292.60.

ORDER OF COURT.

APRIL 27, 1885.

Ordered, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

BY THE COURT.

A true transcript of record. Test this 9th day of January, 1886.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2369.

MATHEW H. FULTON

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

IARLES E. BROWN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1753.]

mmittee on Claims, to whom was referred the bill (H. R. 1753) for the relief of Mathew H. Fulton, submit the following report:

proofs in this claim show that on the night of May 9, 1882, the ffice at Bucyrus, Ohio, was broken open by burglars and the safe n open and rifled of its contents, including postage stamps to the it of $1,496.42; stamp funds, $77.24; and money in registered let- 261.78. The officers of the Department report that there was no ence on the part of the postmaster, Mathew H. Fulton. The De- ent afterwards credited him with the amount of stamps stolen, t with the amount of the stamp funds stolen, or the amount of the money-order funds which he paid to the owners thereof.

r committee think Mr. Fulton should be reimbursed, and recom- that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2370.

W. H. POWELL.

MAY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 269.]

The Committee on Claims, to whom was referred the bill (S. 269) for the relief of W. H. Powell, report as follows:

That we have examined the claim, and adopted the report of the Senate Committee on Claims, No. 42, which is inserted herein and made a part of this report, and recommend to the House that said bill as amended by the Senate do pass the House.

The following is the printed report of the Senate committee, to wit:

[Senate Report No. 42, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred bill S. 269, submit the following report:

The claimant is the surviving partner of the firm of W. H. Powell & Co., which was engaged in business as distillers at Chambersburg, in the third collection district of Ohio, from some time in November, 1868, to the 26th day of January, 1869. During this period the monthly assessments upon their business were regularly made by one O. C. Maxwell, the United States assessor for that district, and the same were promptly paid by the firm, the amounts paid by them aggregating $834.33, which were receipted for in full by D. W. Schaeffer, United States collector for that district.

Subsequent examinations by the proper officers of the Internal-Revenue Department developed the fact that the sum of $834.33, so paid by said firm during the period mentioned, was $65.76 in excess of the amount justly assessable upon their property.

The business of the firm was discontinued on the 26th day of January, 1869, because of scarcity of water, and the inferior quality of grain then obtainable. The water supply was variable, being inadequate for the regular operation of the distillery, even at its minimum producing capacity, and necessitating reductions and increase from time to time in their capacity, and even temporary suspensions of the business.

Due notice was given by the firm of the commencement of business, and the reduction and increase of capacity from time to time, and of the suspensions and final discontinuance of business, and upon due applications to the proper revenue officers the permits required by law in the premises were obtained by the firm. The assistant assessor, however, in making returns to his superior officer of the temporary suspensions, omitted to state, in some of his certificates, what the papers showed to have been in fact true, that there were at those times no mash, wort, or beer in the distillery, or on the premises.

Upon each notice of suspension or resumption of business, the proper locks, seals, and fastenings were placed upon and removed from the doors, tubs, &c., by the proper officers.

After the discontinuance of the business Mr. Maxwell retired from the office of United States assessor, and was succeeded by George G. Johnson, who, because of technical defects and omissions in the certificates of the assistant assessor before men-

tioned, made a re-assessment in form 89, for the month of January, 1869, upon the maximum capacity of the distillery.

Mr. Maxwell, who was assessor during the entire period in which Powell & Co. were in business, says, in an affidavit on file in the Department:

"It was my duty to make the assessment, and it was made with full knowledge of the facts. It was reported to, and confirmed by, the Commissioner of Internal Revenue, and the parties, on my recommendation, settled the same in full, and quit the business of distilling. I am of the opinion, and then was, that they were assessed the full amount authorized by law, and believe that any re-assessment, such as is made in form 89, is erroneous, and consequently illegal."

The re-assessment thus wrongfully made amounted to $1,491.87, which Powell & Co. declined to pay, and the property was seized by the Government and sold for $226.50, which was the sum required to cover the expenses of seizure and sale. The Government bid it in, and subsequently sold it for the same amount.

Suit was also brought on the distiller's bond, and judgment obtained after the death of McDowell, the junior partner of Powell & Co., for $1,586.56, which covered the re-assessment, penalty, and interest. Powell, the surviving partner, paid $206.28 on the judgment in 1874, and the Commissioner of Internal Revenue ordered that it be no further enforced.

The United States district attorney, Mr. Bateman, who had charge of the suit upon the bond, states in a letter before the committee that the defendants offered to show the facts as to the erroneous re-assessment, but the court ruled out the evidence, holding under the law the re-assessment to be conclusive in the suit upon the bond. The district attorney declares it to be his opinion that the re-assessment was in fact illegal; and that if the parties had paid it they would have been entitled to recover back the money.

The seizure and the first and subsequent sale of the property by the Government were made while the claimant was absent from the State of Ohio; were without his knowledge, and he had therefore no opportunity to bid in the property or procure it to be done, or to appeal for relief to the proper officer of the Treasury Department.

The committee are of the opinion that the claimant is entitled to receive from the Government the sum of $498.54, the amount named in the bill, made up of the following items: For original overpayment, $65.76; the amount received by Government on sale of property, $226.50; the amount paid by Powell, as surviving partner, on the judgment rendered upon the bond, $206.28; and that the judgment in the action in the bond should be satisfied, and Powell & Co., and W. H. Powell, as survivor, and their and each of their sureties, relieved from further liability and obligation, of every kind, in the premises.

It is proper to mention the fact that the claim embracing the items last above mentioned was reported favorably by the Committee on Ways and Means of the House of Representatives, in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. It was also reported favorably by the Senate Committee on Claims in the Forty-seventh and Forty-eighth Congresses, and the bill passed the Senate on the 2d day of June, 1884.

The committee recommend that the bill be amended by inserting after the word "Powell," in the fourth line, the words "surviving partner of the firm of W. H. Powell & Co."; also, by inserting after the word "Ohio," where the same occurs in the twelfth line thereof, the words "and in full satisfaction of all claims of the said W. H. Powell & Co. against the Government of the United States, in any manner arising out of the said assessment, and the seizure and sale, or loss, of said property," and that as so amended the same do pass.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2371.

JOHN P. BUSH AND MARTIN GRIGSBY.

MAY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DOUGHERTY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2953.]

The Committee on Claims, to whom was referred the bill (H. R. 2953) for the relief of John P. Bush and Martin Grigsby, submit the following report:

A similar bill was reported to the last Congress, which report recommended the passage of the bill, and is hereto appended.

The committee recommend the passage of the bill with the following amendment: Strike out the name "Martin," where it occurs in the title of bill, and insert "James."

[House Report No. 2496, Forty-eighth Congress, second session.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 7766) for the relief of John P. Bush and Martin Grigsby, report that they have had the same under consideration, and appending hereto the letters of the Commissioner of Internal Revenue, which contain the facts and equities in the case, they recommend the bill be passed.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, January 8, 1885.

GENTLEMEN: I have received a note from Henry Talbott, clerk, &c., under date of the 7th instant, in which he says: "I am directed by Hon. H. A. Herbert and Hon. J. S. Blackburn to forward you the inclosed bill, with the request that you favor them with your opinion at your earliest convenience." The bill inclosed is H. R. 7766, entitled "A bill for the relief of John P. Bush and Martin Grigsby." In my opinion, this claim is a meritorious one, and should be paid. The reasons upon which this bill was based are found in a letter, a copy of which is inclosed, addressed by me to the Honorable Secretary of the Treasury under date of August 15, 1883.

I also inclose the bill sent to me. In a postscript to the letter of Mr. Talbott he says, "In connection herewith they also submit this query, Why the claim has not been paid if it has already received your favorable consideration?" In reply to this, I have to say that while I do not admit the right of any one under the law to question the finality of the decision of the Commissioner of Internal Revenue after he has been advised by the Secretary of the Treasury upon a case like this, still there *was* a difference of opinion between this office and the accounting officers of the Treasury. But if this difference had not existed, the claim could not have been paid without an appropriation made expressly therefor. The claim arose in 1875. Section 5, act of June 20, 1874, 18 Statutes at Large, part 3, page 110, contains the following clause: "That from and after the first day of July, 1874, and of each year thereafter, the

Secretary of the Treasury shall cause all unexpended balances of appropriations wh shall have remained on the books of the Treasury for two fiscal years to be carried the surplus funds and covered into the Treasury." The interpretation of this law been that an appropriation is good for the fiscal year in which it is made and for t full fiscal years thereafter, but not for a longer period. All claims more than th years old are held to require a special appropriation.

Very respectfully,

WALTER EVANS,
Commissioner.

Hon. H. A. HERBERT and
Hon. J. C. S. BLACKBURN,
House of Representatives.

TREASURY DEPARTMENT.
OFFICE OF INTERNAL REVENUE,
Washington, August 15, 1883.

SIR: I have the honor to submit herewith, for your consideration and advisemen the claim of Messrs. Bush & Grigsby, for the refunding of $1,041.12 taxes paid on d ficiencies in the production of spirits during the months of February, March, Apr and May, 1875.

These taxes, with penalty and interest, were paid in July, August, and Septemb 1875. On the 22d of January, 1877, the firm presented a claim for the refunding $1,087.69 as the entire amount of taxes, penalty, and interest collected on account deficiencies in the months mentioned. On this claim the sum of $55.84 was allow in May, 1877, upon the ground that in computing the tax to be assessed for Februar 1875, the number of days charged as days of operation was too large by one. T balance of the amount claimed appeared to have been legally assessed and collecte and although relief was asked on the ground of unavoidable accident, nothing cou be refunded on that ground in 1877.

The claim now under consideration was filed in this office October 23, 1879, and am asked to refund the taxes under the provisions of section 6 of the act of March 1879.

This alleged that the deficiencies resulted from unavoidable accidents, without fra or negligence on the part of the distillers. The evidence submitted in support of t claim is general in its character. Repeated efforts have been made to obtain mo positive evidence, but without success.

The claim has been pending several years, and the claimants assert that they ha filed all the evidence in its support now in their power to produce.

The allowance of the claim has been recommended by late Collector Wilson, an also by the present collector, Lewis Buckner.

It appears that the machinery used in this distillery was old and defective, an during the months in question frequently broke down or got out of order, necessitat ing delays in distilling.

The question whether the use of defective apparatus implies a want of due diligenc might, if admitted, be set up against the allowance of this claim.

I am disposed, however, to give a liberal construction to that provision of the ac under which relief is claimed, and to hold that the use of imperfect machinery should not, in this instance at least, prevent the desired relief.

I am satisfied that the deficiencies in question resulted from unavoidable accidents, and I propose to allow the claim for $1,029.34, made up as follows:

For February, $17.91; for March, $522.40; for April, $171.62; for May, $274.50, and the penalty and interest, $42.91—total, $1,029.34.

Very respectfully,

WALTER EVANS,
Commissioner.

Hon. C. J. FOLGER,
Secretary of the Treasury.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2372.

ELIEF OF HOLLISTER E. GOODWIN AND HIS SURETIES.

AY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

r. GEDDES, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 7773.]

he Committee on War Claims, to whom was referred the bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties, beg leave to report:

H. E. Goodwin was appointed assistant quartermaster of volunteers, ith the rank of captain, and accepted the said appointment from July ,1863, to April 1, 1866, and acted as such, and received large sums of oney to disburse; and the Government has brought an action against e of his bondsmen (the other bondsman has deceased) because of an leged deficit in said quartermaster's accounts of $889.91.

It appears that about the year 1872 the War Department made a aim against Mr. Goodwin of $11,093.04, and that Mr. Goodwin then ttled with and satisfied the Department as to all of above claim, expt $889.91; and Mr. Goodwin supposed he satisfied the Department to this last claim. The plaintiff, after waiting over nineteen years, ings this suit at a time when papers have been lost or destroyed and e recollection of parties interested has failed. It appears that every em in this last account or claim, save one for $43.82, is for income-tax, hich the plaintiff alleges that Mr. Goodwin should have retained, and hich he did in fact pay to the officers or soldiers.

The United States sent Mr. Goodwin money to pay to officers and ldiers; it sent him a receipt for each officer and soldier to sign—specing the amount receipted for. Mr. Goodwin supposed that he was to y to the officers and soldiers the amount they appeared upon the y-rolls to be entitled to. He did not suppose that if the United ates claimed the right to withhold any of the salary of officers for come-tax that the money would be sent to him merely to send back gain. Probably he was wrong as to the law, and ought to have withld this money; but it was paid out by him in good faith. Neither he r any one else received any benefit from it, unless, perhaps, the solers to whom it was paid; and when we remember the many men who ayed at home and escaped the payment of income-tax, it will not seriusly harm the Government if it does not recover this small amount

paid the soldiers of the quartermaster or his bondsmen, especially view of the long time that has elapsed, when very likely the survivi bondsman will be the one to suffer.

The action is against him.

The committee recommend the passage of House bill 7773, with th following amendment, viz: After the word "sixty" in line 7, inse "three."

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2373.

FOREIGNERS IN THE COURTS OF THE DISTRICT OF COLUMBIA.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. HEMPHILL, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 7596.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes, respectfully report:

That they have asked the counsel of the Bar Association as to the propriety of the bill. They recommend its passage, saying, "These sections were originally contained in the statute of 1812, and it is supposed were inadvertently repealed by the adoption of the Revised Statutes."

The committee therefore report the bill to the House, with the recommendation that it do pass.

O

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2374.

STEAM ENGINEERING IN THE DISTRICT OF COLUMBIA.

MAY 11, 1886.—Referred to the House Calendar and ordered to be printed.

r. HEMPHILL, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 4308.]

he Committee on the District of Columbia, to whom was referred the bill (H. R. 4308) to regulate steam engineering in the District of Columbia, respectfully report:

They referred the bill to the District Commissioners, and the same as returned with their approval.

The committee have added certain amendments to the bill with a view making it as practical as possible in its details; and regarding it as the highest importance that an element so dangerous, and yet so inpensable, as steam should only be under the control of persons who e aware of its dangers as well as its uses—and especially in many of e crowded public buildings of this city—they respectfully report the ll back to the House with the recommendation that, as amended, it do ss.

O

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2375.

ELIZA J. RAY.

AY 11, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MCMILLAN, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 2207.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 2207) for the relief of Eliza J. Ray, submit the following report:

Your committee, after a careful consideration of this bill, find that the facts are fully set forth in the preamble and in the following communication from the Register of the Treasury to the Secretary of the Treasury touching the claim:

TREASURY DEPARTMENT, REGISTER'S OFFICE,
June 21, 1884.

SIR: As requested in your reference of letter from the Committee on Ways and Means, accompanied with H. R. bill 6201, I have to report that the records of this office accord with the statements set forth in said bill as to the issue of Spanish Indemnity Certificate 209 to John T. Ray for $2,695.81. That said certificate is still outstanding, and there seems to be no objection to the issue of a duplicate certificate, provided for in the bill herewith returned (together with the letter from the Committee), if the proof of loss is regarded as satisfactory. I would, however, suggest that the phraseology of the act be changed by adding to the sentence providing for filing bond the words "to the satisfaction of the Secretary of the Treasury."

Respectfully, yours,

W. P. TITCOMB,
Assistant Register.

Hon. CHAS. J. FOLGER,
Secretary of the Treasury.

Your committee unanimously recommend the passage of the bill.

C

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2376.

SALARIES OF POSTMASTERS.

AY 11, 1886.—Referred to the House Calendar and ordered to be printed.

ERRIMAN, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT:

[To accompany bill H. R. 6993.]

mmittee on the Post-Office and Post-Roads, to whom were referred esolution (H. Res. 86) and the bills (H. R. 6993 and H. R. 8250) ex-ing and amending the act of March 3, 1883, authorizing the Post-er General to readjust the salaries of certain postmasters, respect-submit the following report:

bill 8250 is as follows:

nacted by the Senate and House of Representatives of the United States of America in assembled, That the true intent and meaning of the act approved March ghteen hundred and eighty-three, entitled "An act authorizing and directing tmaster-General to readjust the salaries of certain postmasters in accordance provision of section eight of the act of June twelfth, eighteen hundred and t," is hereby declared to be to entitle postmasters and late postmasters of the pecified in said act to be paid the difference between the salary heretofore and what they would have received as commissions under the act of eighteen and fifty-four, in all cases wherein it shall appear that the salary allowed per centum or more less than such commissions.

resolution (H. Res. 86) is in substantially the same terms as this

act of 1883, to which this bill relates, was intended to explain ake more definite the acts of July 1, 1864, and June 12, 1866, prescribed the method by which the Postmaster-General should t the salaries of postmasters of the third, fourth, and fifth classes. act of June 22, 1854, fixed the compensation of postmasters on is of commissions on the postage collected at their respective in each quarter of the year. These commissions were 60 per cent. sum not exceeding $100; 50 per cent. on any sum over $100 s than $400; 40 per cent. on any sum over $400 and less than ; and 15 per cent. on all sums over $2,400.

er this act the commissions were allowed upon each quarterly re-

act of July 1, 1864, provided that postmasters should be paid a alary instead of commissions on postage collected, and divided t-offices into five classes.

offices were to be classified and the postmasters' salaries adjusted basis of the average annual sum received in those offices for the secutive years next preceding July 1, 1864.

offices where the postmasters' compensation had averaged not an $3,000 were assigned to the first class; those in which it had

and readjust, on the basis of the preceding section, the salary assigned by l office; but any change made in such salary shall not take effect until th of the quarter next following such order, and all orders made assigning or salaries shall be made in writing and recorded in his journal, and noti Auditor for the Post-Office Department.

After this law had been in operation nearly two years, it section was amended by section 8 of the act of June 12, 186 added to it the following:

Provided, That when the quarterly returns of any postmaster of the thi and fifth class show that the salary allowed is ten per centum less than it on the basis of commissions under the act of eighteen hundred and fifty-f compensation, then the Postmaster General shall review and readjust provisions of said section.

Frequently between 1866 and the date of the passage of tl 1883, postmasters of the third, fourth, and fifth classes complai the Post-Office Department had misconstrued the acts of 1864 a and was not readjusting their salaries in accordance with the d of said acts.

The method then employed by the Post-Office Departmen follows: When a postmaster made application for readjustment allowed him between any given day in any year and the same years thereafter, the postages sold during the eight quarters p the first-mentioned date were first ascertained. Then the com under the act of 1854 were computed on those receipts. The of these receipts for one year was compared with the annua allowed for the two years after the first-mentioned date, and if missions showed a sum ten per cent. greater than the salary for the two succeeding years, the difference was added to his sa

The complainants claimed that any postmaster who could any quarterly return that his compensation under the act of 1864 per cent. less than it would have been under the act of 1854 have his salary readjusted to take effect on the next first da succeeding quarter.

In other words, that the correct method of readjustment was a given period and compute from the quarterly returns for tha what the commissions would have been under the act of 1854

ectively, and that the salary when readjusted should be a pros-
'e salary and not a change of salary during a past period.
result of these conflicting opinions was the passage of the act of
1 3, 1883. This act reads as follows:

*enacted by the Senate and House of Representatives of the United States of America
press assembled,* That the Postmaster-General be, and he is hereby, authorized
rected to readjust the salaries of all postmasters and late postmasters of the
fourth, and fifth classes, under the classification provided for in the act of July
ghteen hundred and sixty-four, whose salaries have not heretofore been read-
under the terms of section eight of the act of June twelfth, eighteen hundred
:ty-six, who made sworn returns of receipts and business for readjustment of
to the Postmaster-General, the First Assistant Postmaster-General, or the Third
nt Postmaster-General, or who made quarterly returns in conformity to the
:isting laws and regulations, showing that the salary allowed was ten per
1 less than it would have been upon the basis of commissions under the act of
:n hundred and fifty-four; such readjustments to be made in accordance with
de presented in section eight of the act of June twelfth, eighteen hundred and
x, and to date from the beginning of the quarter succeeding that in which
rorn returns of receipts and business, or quarterly returns were made: *Provided,*
very readjustment of salary under this act shall be upon a written application
by the postmaster or late postmaster or legal representative entitled to said
rtment; and that each payment made shall be by warrant or check on the
rer or some assistant treasurer of the United States, made payable to the order
applicant, and forwarded by mail to him at the post-office within whose de-
he resides, and which address shall be set forth in the application above pro-
for.

postmasters who had objected to the methods pursued in the re-
tment of their salaries under the acts of 1864 and 1866, believing
:his act of 1883 sustained their theory of the readjustment of said
ies, renewed their demands for the readjustment of said salaries
cordance with their views.

June 9, 1883, Postmaster-General Gresham, in a letter addressed
rst Assistant Postmaster-General Hatton, gave an opinion as to
proper meaning and construction of the law of 1866 and the act of
. He held that the act of 1866 did not repeal in part the act of
and was not intended to change the rule of biennial readjustment
pectively on the past receipts; but it simply required that when
quarterly returns of the postmaster of the third, fourth, and fifth
ses showed that the salary allowed for the next two preceding years
10 per cent. less than it would be under the act of 1854, there
ld be a readjustment, but that the proper mode of readjustment was
se the eight quarterly returns preceding, as a basis of determining
ther the adjustment under the law of 1864 had been 10 per cent. less
it would have been under the law of 1854; and if so, to add this to
amount received as salary for the next two years.

n February 13, 1884, in response to the request of Postmaster-Gen-
Gresham, Attorney-General Brewster gave an elaborate opinion as
e proper construction of the statute of 1883. He concurred in the
expressed in Postmaster-General Gresham's letter heretofore men-
ed, saying, substantially, that while the act said in terms that the
ries should be adjusted according to the mode prescribed in section
the act of 1866, yet, as that section merely added a new proviso to
act of July, 1864, the whole should be read together and not the
iso alone. In other words, that the biennial scheme of readjust-
t must not be disturbed by the act of 1883.

oth of these opinions agree that if the complainants' construction
e law of 1883 was correct, it would, in practice, enable the post-
ers to rest their application on some quarter irrespective of bien-
adjustment, and to claim the readjustment on the basis of that

turns failed to show an increase of 10 per cent. for the peri
by the petition and the difference between the salary allowed
basis of the act of 1864 and the commission basis of 1854.
is proceeding as rapidly as possible with the small numbe
allowed for its prosecution.

The Postmaster-General is of the opinion that to chang
adopted as a compliance with the law would create great co
the Department and require years of labor in the reconsid
claims already disposed of and for payment for part of whic
has already appropriated $223,695.03.

The committee believe that House bill 6993 will, if it beco
settle this conflict of opinion as to the true method of readj
salaries of postmasters of the classes named in the acts of
and 1883.

This bill provides for the ratification and confirmation o
justment of the salaries of postmasters heretofore made by
master-General pursuant to the act of March 3, 1883, as sa
construed by the Attorney-General. It also declares that al
postmasters or late postmasters which have been disallowed p
this construction or are thereby precluded from allowance
properly disallowed and barred; that all claims hereafter
shall be readjusted in accordance with said act as construed
torney-General, and that no claim shall be considered which
sented within three months after the passage of this act. It f
vides that no action shall be had in any court against any P
General by reason of his action in reviewing in allowance o
ance of any application in accordance with said construction
act.

The Postmaster-General, in his last annual report, recomme
January 1, 1887, be fixed as a limit for the presentation of
the readjustment of postmasters' salaries under the existing

The committee therefore recommend that House bill 6993 b
by striking out in the seventeenth and eighteenth lines
"within three months after the passage of this act," and
the words "on or before January 1, 1887," and that as thus
it be reported in the nature of a substitute for House joint

S OF POSTMASTERS FOR READJUSTMENT OF SALARIES UNDER ACT OF MARCH 3, 1883.

POST-OFFICE DEPARTMENT,
Washington, D. C., June 9, 1883.

FRANK HATTON,
First Assistant Postmaster-General:

A careful examination of the act approved March 3, 1883, entitled "An act izing and directing the Postmaster-General to readjust the salaries of certain isters in accordance with the provisions of section 8 of the act of June 12, has satisfied me that the purpose of this legislation is to require the Postmas- neral, in all cases in which any one of his predecessors has failed to comply he provisions of section 2 of the act of July 1, 1864, as amended by section 8 act of June 12, 1866, requiring a readjustment of salaries in offices of the third, and fifth class, to proceed to make such adjustments under the terms of that

essential, therefore, to ascertain the exact meaning of section 2 of the act of 1864, and the change effected by the amendment of June 12, 1866.

act of June 22, 1854, authorized the Postmaster-General to allow commissions tmasters at the following rates on the postage collected at their respective in each quarter of the year, and in due proportion for any period less than ter:

ot exceeding $100, 60 per cent.
$100, and not exceeding $400, 50 per cent.
$400, and not exceeding $2,400, 40 per cent.
$2,400, 15 per cent.

re are certain qualifications and additions to these commissions not necessary merate for the purpose of this examination.

ler the provisions of this act the commissions were allowed to postmasters upon quarterly return.

act of July 1, 1864, classified postmasters according to the salary received. e whose compensation was not less than $3,000 yearly were placed in the first ; those whose commissions were below that sum and yet reached $2,000 per m were of the second class; post-offices with the salaries between $1,000 and 0 were of the third class; those between $100 and $1,000 of the fourth class; those under $100 constituted the fifth class.

ost-offices were to be arranged in these classes whenever, for the two consecutive rs next preceding July 1, 1864, the compensation at the office should have nted to the average sum assigned to the class.

he second section of the act reads as follows:

"*And be it further enacted,* That the Postmaster-General shall review, once in two rs, and in special cases, upon satisfactory representation, as much oftener as he y deem expedient, and readjust on the basis of the preceding section, the salary igned by him to any office; but any change made in such salary shall not take ect until the first day of the quarter next following such order, and all orders made igning or changing salaries shall be made in writing and recorded in his journal, d notified to the Auditor for the Post-Office Department."

Under this legislation it resulted that while under the act of June 22, 1854, post- sters received their compensation, based upon each quarterly return, they were in ure to be paid salaries for two years, based upon the average amount of receipts shown by their quarterly returns for two years preceding the 1st day of July, 1864, culated upon the basis fixed in the act of June 22, 1854.

s this general legislation, however, fixing absolutely the salary of a postmaster two years in advance, upon the basis of his receipts for the two years preceding, uld, in rapidly growing communities, work an injustice to postmasters, the rev- es of whose offices would be largely increased without any corresponding increase ing the two years in their salary, the Postmaster-General was authorized, "in cial cases, upon satisfactory representation, as much oftener as he may deem expe- nt," to make such readjustment "on the basis of the preceding section."

he rule fixed by this legislation was a biennial readjustment of salaries. The ex- tion to this rule was the exercise by the Postmaster-General of a discretion "in cial cases."

fter this act had been in force for nearly two years the second section was amended adding the following:

"*Provided,* That when the quarterly returns of any postmaster of the third, fourth, fifth class show that the salary allowed is ten per centum less than it would be the basis of commissions under the act of 1854, fixing compensation, then the Post- ter-General shall review and readjust under the provisions of said section."

here is no attempt in this amendment to change the settled rule of biennial read- ment. It requires simply that when the "quarterly returns" at offices of the third,

fourth, and fifth class show that the salary allowed upon the average a sation of postmasters for the two next preceding years, is 10 per cen would be on the basis of the act of 1854 (which basis is the actual qu themselves), then the Postmaster-General shall adjust upon the quart

The substitution of a salary for two years by the act of July 1, 18 the average returns for two years, in place of commissions upon each qu was not abandoned by the amendment, but it was provided that whe taking the average of annual compensation of postmasters for the tw ing was to reduce the compensation of the postmaster 10 per cent. would be by using the eight preceding quarterly returns themselves postmaster at such office, belonging either to the third, fourth, or fift have the adjustment upon the actual quarterly returns.

This construction leaves in full force the policy inaugurated by the 1864, of paying salaries to postmasters which are fixed for a period o advance, the amendment simply providing that all postmasters of the and fifth class, whose compensation was thus reduced 10 per cent. what they would have received under the act of 1854, shall have thei justed and fixed upon the basis of the latter act.

This construction of the amendment leaves in full force the discre upon the Postmaster-General to make a readjustment "in special cas factory representation, as much oftener as he may deem expedient."

I am aware a persistent effort has been made for years to make it app an imperative duty of the Postmaster-General, under the amendment, t quarterly return as made by postmasters of the third, fourth, and fift view of ascertaining whether officers of these classes would have their reduced on the basis of the act of 1864 as much as 10 per cent. below t act of 1854, and, if this result appeared, to make the adjustment quart the act of 1864 had not been passed. This construction of the amendme tically destroy the principles of legislation of which it formed a part, a claimed to be within its provisions, and render biennial adjustments only unnecessary but absolutely impossible. It was not the intention the amendment of 1866 to repeal any part of the statute of 1864. The was to stand, the amendment simply securing to officers of the designa right to have their biennial adjustments of salaries made upon the bas 1854 instead of the act of 1864, whenever they could save 10 per cent. b

If, in fact, there are cases in which it appeared from the quarterly re sworn reports of receipts and business, that postmasters of the third, fo class, at the biennial readjustments, had their salaries fixed under t when, by an adjustment under the act of 1854, 10 per cent. or more wo added to their salaries, then under the act of 1883 such postmasters whatever additional sum they would and should have received under t

In all cases, therefore, in which applications are made for readjustn act of 1883, signed by the postmasters, or late postmasters of the thi fifth classes, or if deceased, by their executors or administrators, you necessary steps to determine from the sworn returns of receipts and bus justment, or from the quarterly returns made, whether any addition under section 8 of the act of 1866, as herein construed.

Very respectfully,

W. Q. GRI
Postma

DEPARTMENT OF JU
Washington, Febru

SIR: Your communication of August 25th ultimo submits for my o matters which are substantially embraced in the following questions:

(1) Has Congress by the act of March 3, 1883 (22 Stat., 467), directe ter-General to readjust salaries, on application under the act, otherw cordance with the provisions of the acts of 1864 and 1866, therein me Stat., 335, 14 Stat., 59.)

(2) If it has not, what do these provisions require of him in making ments?

In answering the first inquiry it must be determined whether the act directs the readjustments to be in accordance with the act of 1866 (whi an amendment of the act of 1864) or was intended to effect in any way tion of those acts.

I agree with you in the opinion that it was not so intended, and for reasons:

The construction of statutes is more especially the function of the judi lators may declare how an act shall in future be construed, but it will n that they have undertaken to control existing rights of parties under

ı had evidently been led to believe that there were cases in which parties
o be entitled to readjustment of salary under the amended act of 1864,
ne reason failed to obtain the benefit of that legislation. The act of 1883
: parties an opportunity to apply now for such readjustment as might have
ras not obtained under the mandatory provisions of the amended act. It
ıdicate by whose fault those provisions failed to be executed in these cases
r as chargeable to the postmasters, in effect, condones the fault), but it
rtain conditions precedent to the readjustment directed and then prescribes
ıf readjustment.
s of its beneficiaries rests on three requisites:
; their salaries have not theretofore been readjusted under the terms of the
ıt of 1866.
; they have made sworn returns of receipts and business for readjustment
tmaster-General, or his first or third assistant, of quarterly returns in con-
ith the then existing laws and regulations.
t the sworn receipts or quarterly returns shall show that the salary allowed
: cent. less than their compensation would have been under the act of 1854.
e conditions the readjustment must be made *in accordance with the mode pre-*
ie amendment of 1866, and to date from the beginning of the quarter succeed-
n which such sworn or quarterly returns were made.
cludes all that is essential in the act. Its structure, as will be seen, is
d its purport clear.
s was presumably advised that there had been differences of opinion be-
e Postmaster-General and some postmasters as to his duties under the said
act, yet it has (judiciously, no doubt) made no declaration touching the
ion of that act, but has merely directed the new readjustments to be in
ce with the former law, referring also to the classification and returns pro-
by prior laws and regulations in such a way as to indicate that no deviation
course of proceeding thereby established was intended, unless by possibility
the returns now admissible for readjustment were not considered to be so
ch laws and regulations, a detail of proceeding which does not affect the
esult.
t seems, therefore, to me to be in entire harmony with the general policy of
and to exhibit by strong internal evidence the disposition of Congress to
ırry out the former law, leaving its meaning to be determined by the usual
er methods.
ed, therefore, to the second and principal inquiry; as to which it should be
, that as you have not included any statement of the action taken by your
ent in any particular cases presented for readjustment before or since the
3, I shall treat the question as one simply of construction and without refer-
any views or action of your Department in the premises which have not offi-
en brought to my notice. My concurrence or disagreement with the views
l in your letter of June 9, ultimo, to which my attention is called, will suffi-
ppear without undertaking to consider them in detail, as I presume it is my
n the point involved that you in substance desire.
definite statement of the question would be this: How did the act of 1864
he salaries of postmasters of the third, fourth, and fifth classes to be read-
ıd what change in such requirement was effected by the proviso added to the
ction of that act by the act of 1866?
o the act of 1864 the classification provided for in it did not exist and the
ıtion of postmasters was determined and awarded quarterly by the Sixth
ıf the Treasury on the basis of returns required to be made by them to him
of certain prescribed statistics of their business; the last preceding gen-
l.tion of the subject having been made by the act of July 1, 1854 (10 Stat.,

ss must have found some serious objection to this system of quarterly ad-
ı of compensation for past service when it substituted the radically different
f compensating postmasters by fixed prospective salaries assigned by the
er-General for a definite period, with provisions for periodical readjustment;
which it has ever since maintained.
ted a change of policy is not to be ignored in determining the legislative
particular minor additions to amendments of the general scheme. The pre-
of a matured consistent purpose in such legislation ought to control when-
sought by dubious expressions to destroy or impair the integrity of the new
hings introduced by the act of 1864.
ıtion is presented as to the meaning of the act of 1864 standing alone, but it
ut to note its main provisions in order to understand the amendment of 1866.
res that the *annual compensation* of postmasters shall be at a fixed salary in
ammissions—the postmasters to be divided into five classes—the salaries in

the first class to be not more than $4,000 and not less than $3,000, and so gr
salaries on downward in the other classes.

It further declares that the compensation of postmasters of the several cla
said shall be established by the Postmaster-General under the rules therein
vided, which were in substance as follows:

First. To assign each office to its proper class by determining the *avera*
sum paid as compensation to its postmaster for the *two consecutive years* next
July 1, 1864.

Where this sum amounted to less than $2,000 and not less than $1,000 the
to be assigned to the third class; amounting to less than $1,000 but not less
to the fourth; and when less than $100 to the fifth class.

Second. To assign each office its salary within the limits of its class for th
biennial period by taking not the exact "*average annual sum*" before detern
for the first, second, and third classes a sum "*in even hundreds of dollars as
practicable in amount the same as but not exceeding*" the sum so determined; a
fourth class even tens and the fifth even dollars in the same way.

The operation of these rules will be better understood by illustration.
stance, the commissions of an office for the eight quarters preceding Jul
were $2,010 (and in the term "commissions" I intend throughout this o
include whatever was allowed as compensation by the act of 1854), th
annual sum of $1,005 would grade it in the third class, and the salary, in
dreds, assigned, would be $1,000 per annum for the ensuing two years. If,
average annual sum for the two consecutive years was $1,990, the office wo
the third class, with a salary of $1,900 per annum for the ensuing two years

The second section of the act, then, requires the Postmaster-General onc
years to review and readjust, "*on the basis of the preceding section*" (that
manner above described), the salary assigned by him to any office, and to
writing, his order thereon; "but any change made in such salary shall not t
until the first day of the quarter next following such order."

As compared with the system of quarterly adjustment for past service on
of commissions, which it superseded, the new system assigning a fixed
future service for two years on the basis of past earnings, which would l
open to objection if it had not made provision for cases of unusual variation
adopted standard, as when from temporary or permanent causes the busi
particular office should increase very rapidly within the biennial period;
was provided that "in special cases, upon satisfactory representation," tl
and readjustment should be as much oftener than once in two years as the
ter-General might deem expedient.

This relieves the salary plan from the imputation of permitting a poss
variation between the amount of service and its just compensation, while t
nation "special cases" indicates that exact adjustments, in accordance wi
system, were not in general intended.

There are some features of the cited provisions of the act that should be
observed. One is that the biennial readjustment is *mandatory in every case*,
the provision for additional or intermediate review in "special cases" is d
ary, which indicates that in the legislative purpose at that time these p
were regarded relatively as the rule and the exception.

Another is that the readjustment, whether biennial or otherwise, is requi
"on the basis of the preceding (first) section," which provides, as has been sh
computation from the business of the two preceding years to fix the compen
the two years ensuing, which proves that there was no idea of retrospective
ment in any case, or of any proceeding radically inconsistent with the new

In the absence of evidence to the contrary, it is to be presumed that the p
of this act were observed by the Postmaster-General; indeed, the whole con
as I understand it, arose after the second section of the act was amended b
at the end of it, a proviso which was enacted by the eighth section of t
June 12, 1866, chapter 114, entitled "An act to amend the postal laws." (14 S

The section so amended is as follows:

"SEC. 2. *And be it further enacted*, That the Postmaster-General shall re
in two years, and in special cases, upon satisfactory representation, as muc
as he may deem expedient, and readjust on the basis of the preceding sectio
ary assigned by him to any office; but any change made in such salary shal
effect until the first day of the quarter next following such order, and
made assigning or changing salaries shall be made in writing and record
journal, and notified to the Auditor for the Post-Office Department: *Provi
when the quarterly returns of any postmaster of the third, fourth, or fifth class sho
salary allowed is* 10 *per centum less than it would be on the basis of commissions
act of* 1854, *fixing compensation, then the Postmaster-General shall review and read
the provisions of said section.*"

considering the meaning of this proviso it must be borne in mind that it was an-
l to a provision for biennial readjustment before the expiration of the first bien-
period therein provided for; and as the usual and proper function of a proviso
introduce some limitation consistent with, or at least not destructive of, the
al intent of the enacting clause, it must be presumed that Congress in this case
ded rather to perfect the salary system than to overturn and unsettle it before
d been fairly inaugurated. If there could be any doubt of this, the fact that
ress has continued that system ever since 1864 would demonstrate it. It should
re, therefore, a very clear expression to justify a construction of the proviso
h would destroy or impair the main purpose of the amended act.

ding the amendment as directed by the enacting clause of section 8 of the act of
n connection with section 2 of the act of 1864 will exhibit more clearly its effect.
s confined to three of the classes, as to which it directs two things—first, when,
econd, how, the Postmaster General shall readjust.

ore the addition he was commanded to readjust in every case once in two years.
three classes Congress then adds a provision that he shall readjust (only) when
hing is shown by something. The thing to be shown is that the "*salary allowed*"
per centum less than it would be on the basis of commissions; and the phrase
d is the only one of possible doubtful meaning.

the rules of construction it should have the meaning belonging to it when used
erred to elsewhere in the section or act, unless good reason to the contrary can
own. The equivalent expression "salary assigned" occurs in the section, and
rst section is largely occupied with the mode of allowance. The "salary" so
ibed is nothing less than a biennial allowance, and the phrase in question must,
face at least, be so understood. If Congress is supposed to have meant any-
else, the meaning must evidently be one that does not harmonize with the con-
and is therefore not to be presumed.

t this thing, whatever it is, must be shown by "*the quarterly returns*," and can-
therefore, on the face of it, be shown by any single return. Looking again at the
ext, it is found that the readjustment is to be made on the basis of the preceding
t) section, and that shows it is to be on the (eight) returns showing the average
nnual compensation for the two years next preceding the adjustment (the Post-
ster-General being authorized to estimate for any returns not received). It must
presumed that *these* are the returns intended by the "*quarterly returns*" unless some
erent meaning of the phrase can be clearly shown, for this construction is not only
tirely harmonious with the context, but I am unable to see how the comparison di-
cted can be properly made in any other way. The "salary allowed" being deter-
ined by the annual average computed from eight consecutive past quarterly re-
rns as the established compensation of the office for the eight ensuing quarters, how
n such an average biennial salary be shown to be 10 per centum less than it would
e on the basis of commissions, unless by comparison with the commissions of the en-
ire period for which the salary is allowed?

There is nothing, then, in this part of the amendment to indicate that Congress in-
tended to set aside the biennial system. On the contrary, it is explicitly recognized,
and the modification is introduced with the manifest reference to it, so that thereafter
the Postmaster-General should readjust at a biennial period the salaries (in the three
classes) only on the showing therein prescribed.

The final direction further demonstrates this. He is, on such showing, to "review and readjust under the provisions of said section." The section referred to is shown by the enacting clause of section 8 of the act of 1866, to be section 2 of the act of 1864, and this the Supreme Court has also affirmed (McLean's case, 95 U. S., 753). That section provides principally for mandatory biennial readjustments, to which the amendment, being mandatory, also must refer, being equivalent, therefore, to a direction to the Postmaster-General to readjust *biennially*, as directed in 1864, under the said amendment.

This construction excludes, of course, any interference with the new salary system by mandatory readjustments of more than biennial frequency; and really strengthens and solidifies that system by dispensing in effect with the biennial readjustment (in three classes) when comparison at the close of a biennial period of the salary allowed therefor to an office with its income for such period on the basis of commissions shows that the salary differs from the commissions by less than 10 per centum.

The discussion might well be closed here, for it ought to be enough to point out what the amendment declares, according to the fair natural meaning of its terms, and to show that this harmonizes, as it ought, with the fundamental purposes and policy of Congress in the act so amended; but, as the matter has been much in controversy, it may be of advantage to consider further the probable object of this provision as above construed, since it may fairly be assumed to have been intended to remedy some defect in the act of 1864.

That act in June, 1866, was about to be, or was being, put into operation for the first time as respected readjustments; and the Postmaster-General, on the one hand, and the postmasters, on the other, were concerned in its mandatory provisions; the

former because he was required to readjust (according to the first section) *eve* master's salary in a schedule of (at that time) more than twenty-nine thousand a task manifestly of great magnitude which had not theretofore been assigne Post-Office Department, and which would of necessity add greatly to the la responsibility imposed upon it; the latter because they were for the first time in classes under novel regulations affecting their relations towards one anc well as to the Government.

The amendment would evidently be a measure of relief to the Postmaster-Gen his Department, since it would save the labor of actual readjustment in many ably a large majority) of the cases, in which it could be determined by mere tion that it was not required.

This would be a sufficient legislative motive; but the amendment also aff postmasters of the three classes severally by removing an inequality which th 1864 had created, and which can be better understood by illustration.

As the salary (of the third class, for example) was to be assigned in even hi as nearly as practicable, the same as, but not exceeding, the average annual c sation for the preceding two years, it is plain that a postmaster whose aver nual compensation was $1,900 would have to show an average increase of b 5 and 6 per centum of commissions only in order to get $100 added to his while a postmaster whose average annual compensation was $1,000 would l show an average increase of 10 per centum to get a salary of $1,100.

Here, then, was a clear discrimination created by the act of 1864 (throug vertence, perhaps) in favor of the postmasters in each class having the high of salary. The intent and effect of the proviso was that in every case the sa centage of difference should be found in order to readjust, and so the appa justice to the lower salaried officers was removed.

That the amendment modifies the prior law so as to produce these two result in my judgment, be conceded, and as Congress must be presumed to have ir the legitimate consequences of its declaration, and these are in harmony w ruling spirit and purpose of the new postal legislation, it would seem that f reasonable effect is given to the proviso by accepting these as its real and su objects, unless some additional purpose not inconsistent therewith can be sho

This I have not been able to discover, but it is due to the ability and earn with which the views of counsel representing the postmasters have been urge my attention that I should briefly state my reasons for not concurring therein

The substance of their contention is, as I understand it, that the amendment re the Postmaster-General thereafter to examine each quarterly return in the classes to ascertain whether the proportionate part of the biennial salary a which would be payable for the quarter in question was less by ten per centu the amount of commissions computable on the return under the act of 1854, readjust whenever that appeared.

This is certainly a radical change, which it is supposed the amendment tended to affect. It would virtually annihilate the biennial salary system, fo were then only about three hundred offices of the first and second classes an than twenty-nine thousand of the other three. The intent to do this cannot sumed. It must be shown by very clear proof.

It is not enough to say, therefore, that the construction proposed is not incom with the language of the proviso. It should appear to be the only meaning of that enactment is susceptible, whereas the fact is that no such meaning can tracted from its language without interpolating some parts of the text and dis ing others; thus the phrase "when the quarterly returns" must be changed to ever any quarterly return"; the phrase "the salary allowed" requires the a of the explanation "for such quarter," and the direction to "readjust under t visions of said (second) section" must be ignored.

Such liberties with the phraseology might possibly be tolerable if necessary t out the main intent of the act amended, but they cannot be admitted for the of destroying it, so long, at least, as a more favorable construction is possible. even greater reason must a construction be rejected which gives no effect to the directing the manner of readjustment to be under section 2 and therefore bien

To overcome these objections an alleged grievance of some postmasters, w is assumed that Congress intended to remedy, seems to be relied upon, and it a in substance to this, that in some or in many cases the biennial salary might, in a given quarter, fall short of the postmaster's earnings on the old basis of sions for that quarter; that the old basis was the juster one to the officer, a gress must be presumed to have intended in the proviso to go back to it in su in some way, which, as it will be seen, is not easily explained.

The fundamental objection to this construction is that it rests on the assu that Congress, while professedly amending the act of 1864, intended to subst nullify it, a position which is not only repugnant to settled legal princip which, in view of the fact that the system inaugurated in that act has been co and enforced in all essential particulars, appears to be especially visionary.

unfounded assumption is that such an amendment was needed to secure to
s just compensation in case the salary allowed should turn out to be far
r earnings on the basis of commissions. The act of 1864 makes ample pro-
such cases by special readjustment in the Postmaster-General's discretion.
othing in the amendment to indicate that Congress intended to repeal or
r limit this discretion. On the contrary, it declares that the conditional
ents it prescribes (which have no apparent reference to the special cases
in section 2) are to be conducted under the provisions of that section.
onducted they must be readjusted as special cases on satisfactory represen-
uch times as the Postmaster-General may deem expedient under the ex-
authority given him, or biennially under the general mandatory provisions
and that Congress could not have referred to the exceptional, but must
nded the regular, mode of readjustment, is manifest.
ny suggestion that the amendment may have been framed to protect post-
y reason of some supposed failure of the Postmaster-General to properly ex-
discretionary authority, there is no evidence of that in the act, where it
found, and if Congress had any such supposition (a thing I have no right
e), and intended to rebuke the administration of that Department as indi-
nas taken singular pains to conceal its purpose by the use of language con-
very different meaning.
d of this special motive, there remains but the claim of a general equity to
e postmasters' construction, based apparently upon the assumption that they
now entitled to be compensated on the basis of commissions rather than by

nnot be so. The right to compensation in such case can rise to no higher
n that of its statutory source; no one is obliged to become or remain a post-
gainst his will; but while such existing law is the measure of his compen-
every sense, Congress did not intend, in substituting the salary for the com-
ystem, to give postmasters an exact equivalent of their earnings under the
n. It deliberately provided a scheme by which the salary should never ex-
commission standard, and would ordinarily be less by a difference extending
nit of 10 per cent. Thus, as before shown, for commission earnings between
nd $1,100 the prospective salary assigned would be $1,000. No postmaster,
er the act of 1864, could reasonably claim that such a law invaded any of his
nd the amendment of 1866 extended its scope by making the 10 per centum
e impartially applicable in the three classes we have seen. When Congress,
of the classes, saw fit to change the law, it did so, but that does not affect
nt question.
est of the merit of the proposed construction is to consider the results which
llow from carrying it into effect. We may suppose, for instance, the case of
ster with an allowed salary of $1,000 per annum, whose first quarterly return
r shows that on the basis of commissions he would have earned during the
$75. By the construction in question the Postmaster-General must have
n ascertained this, and must thereupon proceed to readjust the salary, but in
nner?
ggestion is that it should be retrospective, raising the salary for the past
o equal the commissions, but this would virtually wipe out the salary system,
ohibited by the act of 1864, as construed in McLean's case (95 U. S., 753), and
t of 1863.
adjustment, must therefore, take effect *prospectively*, and as there is no pro-
r assigning a salary for less than two years, the Postmaster-General must
m a salary for that period in advance, but he cannot determine its amount
e act of 1864 from a single return, for it depends upon the annual average
nt consecutive quarterly returns. If he can escape that difficulty and can
salary of $1,100 per annum for two years from that return, what is he to do
d of the next quarter, if its returns show commissions of but $225, except to
new biennial readjustment on the basis of that return, and so go on quarter
er maintaining the farce of a biennial system readjusted quarterly? Is it con-
that Congress intended such anomalous and absurd results as are begotten
n construction of its amendment of the postal law of 1864?
eedless to further pursue the inquiry. There is no aspect of it in which that
tion is not destructive of the very essence of the act amended, and that intent
e admitted unless openly declared, or by an inference which has no alterna-
here is no such declaration, and that there is no such necessary inference has
wn.
actical conclusion of this discussion is that in my opinion you are directed
t of 1883 to make now, on behalf of any applicant thereunder who is found
itled under the conditions precedent prescribed in that act, the readjust-
readjustments of salary which he may so claim and be found to have been
o at any one or more of the biennial periods since the act of 1864, under
s amended by the proviso added thereto by the act of 1866 as above con-

strued; crediting the applicant of course with any difference in his fav amount (or proportional amount) of the salary so readjusted for tl biennial period and the salary paid to him for the time of his services i

Very respectfully,

BENJAMIN HARRIS BREV
Attor

Hon. W. Q. GRESHAM,
Postmaster-General.

DEPARTMENT OF J
Washington, J

SIR: Your letter of this date states that it is claimed under the act and 1883 (relating to postmasters' salaries), as interpreted by my opin ary 13, ultimo, that a postmaster whose salary was duly readjusted on J the ensuing biennial period, and whose readjusted salary during that per cent. less than the compensation which he would have received dr riod if computed upon the basis of commissions, under the act of 1854, i to be paid the difference between such salary received and such compu tion, for the period in question.

In my judgment the claim is not well founded, and there is nothin ion that was intended to sustain such a conclusion, or that seems to m effect.

In McLean's case (95 U. S., 753), referred to in my opinion, the court the readjustment directed by the legislation of 1864 and 1866 "take cases prospectively." The above claim is for a retrospective settlemer ing not warranted by the said acts, according to my understanding of the opinion of the Supreme Court.

Very respectfully,

BENJAMIN HARRIS BREV
Attor

The POSTMASTER-GENERAL.

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY GI
Washington, D. C., A

SIR: I have the honor to acknowledge receipt of the communication Bingham, M. C., addressed to you, relative to the readjustment of sala act of March 3, 1883 (22 Stat., p. 487), referred to me April 8th, instar that numerous complaints are made that the Postmaster-General refu salaries of postmasters under said act; and that it is alleged that you General Gresham, as to his duty under the law, secured the advice of eral Brewster, on the 13th of February, 1884, a copy of whose opinion ject you request. He further states that it is charged that the Postm in violation of orders issued from the Department, which he cites, refus salaries of postmasters who claim such readjustment by virtue of said refers to other charges or complaints made that this Department is proc readjustment in a manner contrary to the intendment of the law.

He also desires to be informed whether the application for readju postmaster or late postmaster of either of the classes named in the a 1883, who made quarterly returns in conformity with then existing lav tions, showing that the salary allowed was 10 per cent. less than it wo upon the basis of commissions under the act of 1854, has been refused; what numbers such application has been refused, and that you cite tl law or authority upon which such refusals are based.

He also desires to be informed whether, in your opinion, any additior is required to secure the readjustment of the salaries of all postmasters masters of the classes named in said act of 1883, and whether in you further legislation is necessary to prevent the allowance of additional sa masters who have heretofore been paid salaries equal to the commissior

In compliance with your request that I prepare a statement of the s the honor to state that the complaints to which he refers arise from the construction of the several statutes involved in the readjustment of t given by Postmaster-General Gresham and by Attorney-General Brev process of readjustment adopted in pursuance thereof, do not in some c result that was expected by the promoters of the legislation of 1883; ir many of the postmasters, instigated by interested attorneys and claim been led to believe that the Department is willfully violating the law i prive them of a sum which they have been induced to think that th them to.

present this matter clearly to you and to the committee, it will be nec-
nit at some length a statement of the legislation and of the construction
acts involved, which has been the basis of Departmental action upon
laims.
June 22, 1854 (10 Stat., p. 298), fixed the compensation of postmasters
f commissions on postages collected at their respective offices in each
e year, and in due proportion for any period less than a quarter.
ssions were: On not exceeding $100, 60 per cent.; on over $100 and not
per cent.; on over $400 and not over $2,400, 40 per cent.; on over $2,400,

certain qualifications and additions in peculiar cases to these commis-
essary to be considered in this statement.
July 1, 1864 (13 Stat., p. 335), made a material change in the method of
npensation. It classified the offices; provided that the compensation
fixed salary in lieu of commissions." The offices were to be classified
djusted from July 1, 1864, upon the basis of the average annual sum re
two years preceding said date. The first section, after classifying the
led:
r the compensation of postmasters of the several offices for the two con-
s next preceding the 1st day of July, 1864, shall have amounted to an
ial sum not less than $3,000, such office shall be assigned to the first
ver it shall have amounted to less than $3,000, but not less than $2,000,
all be assigned to the second class."
classes were graded down accordingly. The section then provides:
of the first, second, and third classes shall be severally assigned salaries
reds of dollars, as nearly as practicable, in amount the same as, but not
e average annual compensation of the postmaster thereof for the two
receding; and to offices of the fourth class shall be assigned severally
ven tens of dollars, as nearly as practicable, in amount the same as, but
g, the average compensation of the postmaster for the two years next
Salaries as to the fifth class were to be assigned "in even dollars, but
g such average compensation for the two years next preceding."
f said act of 1864 reads as follows:
urther enacted, That the Postmaster-General shall review, once in two years,
l cases and upon satisfactory representations, as much oftener as he may
nt, and readjust on the basis of the preceding section; but any change
h salary shall not take effect until the first day of the quarter next fol-
order, and all orders made assigning or changing salaries shall be made in
recorded in his journal, and notified to the Auditor of the Post-Office De-

ation, it will be readily seen, changed the basis of compensation. It
he allowance of commissions on the sale of postages for each quarter
turns of that quarter, and adopted a biennial system of readjustment
is of the annual compensation allowed for the two preceding years. It
a system of assigning salaries prospectively for two years on the basis
ge annual compensation for the two preceding years. As this might
ce in cases where the business was largely and rapidly increasing, the
n authorized readjustments in special cases on satisfactory representa-
such cases the readjustment was to take effect prospectively, "not until
of the quarter next following such order" of readjustment.
after two years of operation, gave rise to some complaints, and the second
e quoted was amended by the act of June, 1866 (14 Stat., p. 60, sec. 8),

And be it further enacted, That section 2 of the act entitled 'An act to
laries of postmasters, and for other purposes,' approved July 1, 1864, be
adding the following: '*Provided*, That when the quarterly returns of any
f the third, fourth, or fifth class show that the salary allowed is 10 per
than it would be on the basis of commissions under the act of 1854 fixing
n, then the Postmaster-General shall readjust and review under the pro-
id section.'"
"said section" refer evidently to section 2 of the act of 1864 amended by
not to the act of 1854.
ham and Attorney-General Brewster were, therefore, of opinion that
d the proper construction of said section 8 of the act of 1866 were not to
llowance of salary upon the basis of commissions for a given quarter on
of that quarter. In other words, they held that it was not intended as an
t of the biennial and prospective system of adjustment, but that in re-
der the biennial system it required the Postmaster-General to ascertain
ge annual compensation for the two preceding years; (2) what such com-
r the two preceding years would have been on the basis of commissions,

and if the amount allowed was 10 per cent. less than it would have been for tl period on the basis of commissions, then to take the basis of commission dur preceding two years, instead of the average annual salary allowed, as the crite fixing the prospective salary.

It appears that these readjustments or allowances of salary under the act were not made in all cases. It is stated by the Hon. James N. Tyner, then F sistant Postmaster-General, in a letter of date February 10, 1879, to the Hon Giddings, then a member of the Post-Office Committee, that the Postmaster-G who acted under the law of 1866, construed it as requiring him to examine a tions for readjustments of salaries, other than biennial, when the applicatio made by postmasters, and that he did not regard it as his duty to take up ca of the biennial order in the absence of such special application. He further that in some cases it was done under special application, and that all postr were advised of their right to apply for special readjustments under the act o His letter will be found in the Congressional Record of the debates in the Ho April 3, 1882. This letter is here referred to as throwing light upon the reaso readjustments were not made in all cases under the act of 1866.

The act of March 3, 1883, providing for the readjustment of the salaries in cases, reads as follows:

"That the Postmaster-General be, and he is hereby, authorized and directed to just the salaries of all postmasters and late postmasters of the third, fourth, an classes, under the classification provided for in the act of July 1, 1864, whose s have not heretofore been readjusted under the terms of section 8 of the June 12, 1866, who made sworn returns of receipts and business for readjustm salary to the Postmaster-General, the First Assistant Postmaster-General, or the Assistant Postmaster-General, or who made quarterly returns in conformity then existing laws and regulations, showing that the salary allowed was 10 per c less than it would have been upon the basis of commissions under the act of such readjustments to be made in accordance with the mode presented in sec of the act of June 12, 1866, and to date from the beginning of the quarter succe that in which such sworn returns of receipts and business, or quarterly returns made: *Provided*, That every readjustment of salary under this act shall be wri ten application signed by the postmaster or late postmaster, or legal repre tive entitled to said readjustment, and that each payment made shall be by w or check on the Treasurer, or some assistant treasurer of the United States, mad able to the order of said applicant, and forwarded by mail to him at the pos within whose delivery he resides, and which address shall be set forth in the a tion above provided for."

This act was most unfortunately phrased, and, as it has been construed, i short of the desires and expectations of many on whose complaints and peti was enacted. No construction can be placed upon it which will meet the de these claimants and the pretensions of their counsel without doing violence to press terms.

Postmaster-General Gresham, an able jurist, gave this act a careful study, a letter of June 9, 1883, expressed his views upon it. A copy of his letter is he submitted. The conclusion at which he arrived was that the act of 1866 (sec amending the act of 1864 (section 2) did not attempt or intend to change the settl of biennial readjustment prospectively on past receipts, but that it required that when the quarterly returns of offices of the third, fourth, and fifth classes sh that the salary allowed was 10 per centum less than it would be on the basis o act of 1854, then the salary for the prospective biennial period shall be based the quarterly returns for two preceding years, instead of upon the average an compensation for the two preceding years.

Hon. B. H. Brewster, Attorney-General, was requested by Postmaster-General ham to construe the law, and submitted a very elaborate and exhaustive opinio date February 13, 1884, of which a copy is herewith inclosed.

The conclusion at which he arrived may be summarized as follows: That the of 1883 required the readjustment of salaries, which it directed to be in accord with the mode presented in section 8 of the act of June, 1866 (as is expressl clared in the act of 1883); that the act of 1866 expressly declares that readjustm thereunder shall be made under the provisions of section 2 of the act of 186 said act of 1866 expressly so requires). Turning to section 2 of the act of 18 will be seen that it required readjustments to be on the basis of the preceding tion; that is to say, the two preceding years compensation being taken as the of salary for the two preceding years from any point of time of readjustm Hence he argues that the aim of the act of 1866 not being intended to overtur biennial system of readjustment, the future salary to be based on the average an compensation for the two preceding years, it meant that the future salary shoul based upon the eight preceding returns when it appeared that by that basis compensation actually allowed was 10 per cent. less than it would have bee made by commissions on the receipts of the office as shown by the returns.

nstruction, while it works results different from the expectations of many gives effect and meaning, so Attorney-General Brewster argues very every part and clause of the act of 1883. There is great force in his and perhaps it is the correct interpretation.

ıtended by the counsel for the claimants who are inspiring the complaints e Department, that the proper method of readjustment is to take a given y from July 1, 1870, to June 30, 1872, to compute from the quarterly returns eriod what the commissions would have been under the act of 1854, and if ınt is equal to, or more, than eleven-tenths of the salary actually paid for d, then to pay the postmaster holding the office for that period the difference he pay he actually received and what he would have derived from com- ıpon the receipts of the office for the same period. The gravamen of all laints against the Department, as I understand, is that readjustments are de, by making them on the basis of commissions on the returns for a given ıen by that method and basis 10 per cent. or more will be added to the ıion as fixed under the act of 1864 for the same period. Such is the in- on sought to be declared by House resolution 86, now pending before your ;, and of Senate resolution 59, now before the Post-Office Committee of the

e at the act of 1883 will disclose at once that no such readjustment can law- nade under it as it now stands. It expressly declares that such readjust- ıll "be made in accordance with the mode presented in section 8 of the ıe 12, 1866, and to date from the beginning of the quarter succeeding that ıuch sworn returns of receipts and business or quarterly returns were made." ıe act expressly negatives the claim that any postmaster can be paid for any ı the basis of commissions for that quarter, and have the difference between ary and commissions for that quarter allowed him. It expressly commands ıment to operate prospectively, computed on differences between actual sal- he commission basis for preceding time. It thus virtually commands a re- ıt under the system of 1864—the future salary on the basis of past results of -rather than a substitution of commissions for a given period, where that ıld for the same period more than a tenth of the salary actually allowed for period. It does not command the payment of differences between salary nissions for a given period covered by the returns, but a readjustment to t at a subsequent date and operate in a succeeding period.

ne effect is given to the act of June 12, 1866, by the Supreme Court in Mc- se (95 U. S., 750). The court, after citing the acts of July 1, 1864, and June ay: "From a review of these statutory provisions it appears plainly that, lary of a postmaster has been fixed, a readjustment by the Postmaster-Gen- be made before it can be increased, and the readjustment takes effect in all ıpectively."

ling, therefore, upon the construction of the laws as interpreted by Judge and Attorney-General Brewster, both jurists of eminent ability and entire ıtedness in this matter, the Department has assumed that the object of the ıot to abrogate or abandon the system of biennial readjustment for prospect- ls on the basis of past receipts, and was not intended to return to the retro- owance of commissions for each quarter on the basis of that quarter, and a review of salary, up to the 19th of March ultimo, as I am informed, in 75 cases. Of this number, 9,358 claims have been allowed, the aggregate of wances being $548,874.44, and 15,518 cases have been disallowed. Of the allowed a large number would properly be allowable under the construc- ıended for by the complainants. Of the number disallowed, a part are dis- ecause returns are lacking, and part because the returns fail to show for l covered by the computation a difference of 10 per cent. between salary ı the basis of the act of 1864 and the commission basis of 1854. How many nces result from the methods pursued in which the methods contended for ld an increase to be now paid, it is impossible to estimate without a re-ex- ı of all the disallowed cases, a labor that would require weeks of time and us detail of clerks, as I am advised by the chief of division in charge of that

the method of readjustment adopted as advised by the Attorney-General, an ın of the process is shown by the statement herewith submitted and marked ;. By that process it will be seen that where a postmaster makes applica- readjustment of the salary allowed him between July 1, 1868, and July 1, procedure is to ascertain the postages sold during the eight quarters pre- ıly 1, 1868. Commissions under the act of 1854 are computed on these re- The average of these receipts for one year are compared with the annual owed for the two years after July 8, 1868, and if the commissions would increase of 10 per cent. more than the salary allowed for the two succeeding ı the difference is added to that salary. Thus it happens that each read- for a given two years is made upon the returns for the preceding two years,

and is disallowed when those returns are lacking, incomplete, or when they sho less than 10 per cent. difference.

The circular of the Department, of which you request a copy, is herewith sul mitted, marked as Exhibit D.

In reply to your request for my opinion whether any additional legislation is re quired upon this subject, I have the honor to suggest that it is very necessary tha Congress definitively and unmistakably instruct the Department as to these readjust ments. It is evident that much disappointment and dissatisfaction result from th methods of readjustment thus far pursued; interested parties are fomenting this dis satisfaction, and it has found expression in remarks upon the floor in both houses o Congress. Accusations are made that the Department is studiously nullifying th act of 1883, and depriving many thousands of postmasters of their rights under it You are threatened with innumerable suits for damages to individuals because of you refusal to change the system of readjustment adopted by your predecessor after sucl painstaking endeavor to find the meaning of this legislation and conform to it. T change the rule adopted as a compliance with the law will introduce great confusio in the Department, and entail years of labor in a reconsideration of claims already disposed of and for payment of part of which Congress has already appropriated $223,695.03 (see 23 Stat., pp. 248, 476). A list of allowed claims under this act, numbering 3,828, and amounting to $291,282.68, has also been reported to the present Congress by the Secretary of the Treasury for appropriation at the present session upon readjustments already had. If the construction of the act on which these allowances are made is to be overturned, the appropriation upon the list now before Congress should be suspended for review under such instructions as Congress may see fit to give.

It will readily be seen that after Congress had made the two appropriations above cited, thus impliedly giving sanction to the method of readjustment by which the claims covered by the appropriations were readjusted, you were not justified in changing the method of readjustment adopted after such careful consideration, and such change would have caused inextricable confusion. And it is manifest that much annoyance both to Congress and to the Department will be caused by complaints and grievances of those who are disappointed by the procedure now followed, and that it is the duty of Congress, before going farther, to set at rest all controversy regarding the meaning of the law and the duty of the Postmaster-General under it.

I beg leave to suggest that the provisions of bill H. R. No. 6993 offer the most satisfactory solution of the vexed question. Briefly stated, this bill ratifies and confirms past action, both by the Department and Congress, and directs the same method for future readjustments.

The joint resolutions above referred to (House resolution 86 and Senate resolution 59) are, in my judgment, open to grave objections.

(1) They declare the intent and meaning of the law in direct opposition to its express terms.

(2) They provide a rule of construction which can be operative only *in futuro*.

(3) They give no direction or instruction as to claims already acted on and paid; and make no provision for the disposal of the claims already sent to Congress for appropriation at the present session, but leave some 10,000 and upwards of claims already disposed of in a state of confusion, to vex Congress and the Department hereafter.

The instructions to be given this Department, I respectfully submit, should cover the whole subject, and put an end to controversy. If a different rule from that now followed is to be prescribed to the Department, it is very desirable that it provide for a review of cases hitherto disposed of as well as those not yet reached; and should be made with the knowledge that appropriations will be largely increased thereby.

I sincerely hope that Congress will take such definite action as will clearly point out your duty under the act of 1883, either to proceed in the path hitherto pursued, or in such other course as Congress may deem advisable, which I trust shall be plain and specific and provide for all cases. And I need not remind you that delay on the part of Congress in so doing will only add to the confusion and labor of the Department, as well as to misappropriation of moneys, if the rule adopted by the Department is to be repudiated by Congress.

I had hoped that some legal proceeding would be instituted, to the end that a judicial interpretation of the acts of 1883 and of 1866 might be obtained settling the point in controversy; but no such proceedings have been taken by those who should bring them. It appears to be for the interest of the attorneys, profiting largely from these appropriations, to obtain as much as possible under the present system of readjustment, and then to procure such action from Congress as shall open up another large list of claims and require the work of readjustment to be gone over again.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

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SALARIES OF POSTMASTERS.

MAY 13, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post Roads, submitted the following

VIEWS OF THE MINORITY:

[To accompany bill H. R. 6993.]

For a better understanding of the legislation proposed, the bill, as ported by the majority, is herewith made a part of this report;

ILL amendatory of the act approved March third, eighteen hundred and eighty-three, entitled "An ct authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters accordance with the provisions of section eight of the act of June twelfth, eighteen hundred and xty-six," and confirmatory of the action of the Post-Office Department thereunder.

e it enacted by the Senate and House of Representatives of the United States in Con- ss assembled, That the readjustments of the salaries of postmasters heretofore made the Postmaster-General pursuant to the act approved March third, eighteen hun- d and eighty-three, entitled "An act authorizing the Postmaster-General to re- just the salaries of certain postmasters in accordance with the provisions of section ht of the act of June twelfth, eighteen hundred and sixty-six," as said act was strued by the Attorney-General, are hereby in all respects ratified and confirmed a compliance with the requirements of said act. All claims of postmasters or late stmasters which have been disallowed pursuant to such construction, or are reby precluded from allowance, are hereby declared properly disallowed and rred. All claims hereafter considered shall be readjusted in accordance with said so construed; and no claim shall be considered which is not presented *on or before uary first, eighteen hundred and eighty-seven.* No action or proceeding shall be had maintained in any court against any Postmaster-General by reason of his action reviewing and allowing or disallowing any application in accordance with said nstruction under said act.

The merits or demerits of this measure are to be determined mainly prior and existing statutes upon the same subject. If the legislation oposed is in exact accordance with the laws, then it is in accord with e vested rights of the postmasters, and the rights of the United States, d is therefore surperfluous and useless legislation. If it is in conflict ith an existing statute, it is in conflict with the vested rights of post- asters and the rights of the United States.

It appears that since the organization of the Post-Office Department, at the pay of postmasters at minor offices has been measured by com- issions upon the actual receipts, with the exception of that period tween July 1, 1864, and July 1, 1874. On the 1st of July, 1864, the epartment obtained the sanction of Congress to a system of salaries 3 Statutes, page 335). It was understood that the pay of postmasters as not to be diminished by this system, but that postmasters were to ceive substantially the same compensation after that date in the form salaries that they received before that date in the form of commis- ons. This assurance had in fact the solemnity of law, in the form of gulation, section 475, which was as follows: "Under the system of sal-

aries, the postmaster receives the benefit of those revenues as effectually as he could under the system of commissions and emoluments." In order that this might be done, Congress, by the second section of the act of July 1, 1864, gave authority to the Postmaster General to readjust the salaries of postmasters every three months, and the Postmaster-General pledged himself by this regulation to maintain the salaries of postmasters in cases of increase of business on the basis of commissions. In violation of this authority and this assurance, the Department inaugurated a system of arbitrary prospective salaries for terms of two years, no matter how great and how rapid the increase of business. After the first adjustments of 1864 these prospective salaries were never fixed upon the basis of the commissions for the two years prior to the readjustment, as required by the second section of the act of July 1, 1864. They were sometimes fixed on one quarter's business, sometimes on two quarters, and sometimes dictated without reference to the business. Congress was flooded with complaints upon the subject at the first session of the Thirty-ninth Congress. As to the nature and number of these complaints, see Congressional Globe, vol. 70, page 1661. The sole ground of these complaints was that the prospectively-adjusted salaries afforded compensation in cases of increase of business much less than the commissions exhibited by the returns. To remedy this wrong, Congress passed the act of June 12, 1866 (section 8, 14 Statutes, page 60).

Notwithstanding this statute, great numbers of complaints were made that the readjustment of salaries it provided for, with few exceptional cases, were not made, and that the arbitrary system of prospective adjustments was adhered to without the application of the remedy contained in the act of 1866, to remove the wrongs incident to the prospective system. The aggrieved parties sought to recover the compensation of which they were deprived by suits in the Court of Claims. They failed in this, the Supreme Court having decided in McLean's case (95 U. S., page 750) that they could not sue therefor until the Postmaster-General's readjustment should be made. Thereupon these people exhibited to Congress the injustice they suffered by non compliance with the law entitling them to a readjustment of salary, where, by the prospective adjustment, the salary allowed was much less than the commissions. As a remedy for these wrongs, Congress on the 3d of March, 1883 (22 Statutes, page 487), ordered a readjustment of salary to be made in every such case. The wrong complained of before the passage of the act of 1866 and after the passage of that act, and which was the sole reason for the passage of the act of 1883, was always set forth in terms such as cannot be misunderstood, namely, that by a prospective adjustment of salary the complaining postmasters had received salaries in amount much less than the commissions. There is no such thing, therefore, as a misunderstanding as to the nature of the wrongs the acts of 1866 and 1883 were intended to remedy. Such wrongs are, in fact, described in unmistakable language in the body of each statute; and the order contained in each statute, to remedy such wrongs by a readjustment of salary in each case, is absolute. There can be no readjustment of salary under a statute ordering such readjustment, because the salary allowed is 10 per cent. or more less than commissions, except on the basis of commissions. Every application which has been presented to the Postmaster-General, in compliance with the terms of the act of March 3, 1883, for the readjustment of the salary of the postmasters named, by operation of law creates a vested right to the readjustment applied for, if the Department records show that the salary allowed is 10 per

ore less than commissions. Upon the subject of the construc-
is law, General Gresham, on the 16th of February, 1884, pub-
he country the following syllabus, namely:

l cases in which it appears from the biennial readjustment of the salaries of
of the third, fourth, or fifth class, that they receive 10 per cent. or more
ey would have received in commissions under the act of 1854, they are
der the act of March 3, 1883, to the difference between what was paid them
ey would have received as commissions under the act of 1854. * * *
hat a claimant, under the act of March 3, 1883, must show that the acts
to 1854 deprived him of 10 per cent. or more of what he would have re-
ose statutes had not been enacted, and he had been compensated on the
act of 1854.

as made by the publication of circular No. 1223, the official
nt construction of the act, in language as follows:

embraces such claims as postmasters or late postmasters may have for
their salaries * * * wherein it shall appear that the salary allowed
centum less than it would have been upon the basis of commissions under
854. Briefly stated, the period covered by the act of March 3, 1883, dates
, 1864, to July 1, 1874, and the review will be made * * * on returns
arters immediately preceding the biennial adjustment.

of the manifest intent of the statute and of the official con-
by the Department, which are in entire harmony, it is inter-
examine the propositions contained in this bill. The first prop-
to *ratify* and *confirm* the readjustments of salaries of post-
eretofore made by the Postmaster-General. The second prop-
to declare all claims of postmasters, or late postmasters which
disallowed or precluded from allowance, properly disallowed
d. The third proposition is to *authorize* that readjustments
ontinued in accordance with some construction, the character
is not stated. The fourth proposition is, that no actions shall
ined against the Postmaster-General, by reason of his action
g and *disallowing* any application.

t proposition contains an admission that the Department has
l acts not warranted by law. If such acts have been com-
e vested rights of the people have been violated and the rights
ited States have been violated. To attempt thus to ratify acts
on of vested rights, as proposed, is to ask Congress, by an *ex*
statute, to rob the people of vested rights. If the rights of
d States have been violated, the case presented is that of an
e Department seeking immunity from Congress for violating
of the United States.

cond proposition is that Congress shall by statute declare that
s of postmasters which may have been disallowed in violation
ested rights and in violation of a statute recently enacted was
r performance of a supreme duty on the part of an executive

nows the full import of the third proposition, which proposes
ize a continuance of the sort of readjustments which have been
l The solid and only basis of readjustments of postmasters'
uthorized by law, is the basis of actual commissions. This is
ition to authorize readjustments to be made, not upon the basis
tute, but upon some other basis, and that other basis, wherever
, is not only undefined by any statute, or by any order, or by any
on, but it must necessarily be in violation of the rule defined by
te and of the published orders construing the statute; for other-
re is no necessity for appealing to Congress for this authority.
this authority be granted, and afterwards Congress ascertains

that upon some notion adopted in the Department as to the meaning opinion which was so framed, perhaps, as to mean one thing, or an thing, or nothing, a great fund shall have been wrongfully taken fro Treasury by this tortuous and seemingly sinister method. If the be departed from, manifestly the adoption of another and different is likely to lead to injustice against the United States. The action posed herein is manifestly of the most dangerous character. The safe rule is the rule of the law, and the Department has authority alr and is enjoined to execute and comply with this one rule of the la

The fourth proposition is to grant immunity to the Postmaster- eral for violation of vested rights by the disallowance of postmas claims; and coupled with this is the singular proposition to gran munity to the Postmaster-General for *allowing* applications. W to sue the Postmaster-General for making allowance to postmast Certainly not the benificiaries. Who has authority to ask Congre grant immunity to the Postmaster General for making allowance postmasters? Taking the whole bill together it seems to be a co tion of remarkable propositions. It is impossible that the Postma General, in the faithful performance of his extreme ministerial du can have need of such relief as is proposed in this measure. We bound to believe that he has been guilty of no unlawful act; th has violated the vested rights of no postmaster; that he has disall no claim which he is required by law to allow; that he has allowe claim in violation of the rights of the United States which he is no law authorized to allow, and that he has adopted no rule of adjust of salaries other than the one rule prescribed by law; and if he is guilty of all these acts, which cannot be attributed to him, there i ground for urging the passage of this measure.

Reference being had to the second section of chapter 116, laws of (22 Statutes, page 484), it appears that Congress has provided for th dicial determination of every troublesome question of law arising in Department. This statute is for the purpose of relieving the head of Department in any such case of all responsibility, and at the same obtain a settlement of every such question binding on the country, entitled to the respect of the whole people. Congress is not permitt assume that the Postmaster-General has had before him any difficult tion of law to pass upon, upon this subject, which he has refuse submit under this provision of law to a satisfactory judicial deci In view of this statute, who has a right to say that the Postma General has *disallowed* and *allowed* claims in such doubtful manner he requires for protection the passage of this bill, or that his actio or against postmasters and for or against the United States has by such a doubtful rule that protection must be afforded him by measure on account of such doubtful acts?

In the opinion of the minority, there appears to be no ground w ever upon which the passage of this bill can be advocated. If the master-General has in any degree violated the rights of postmas such violation of rights cannot be cured by act of Congress. He i swerable for such violation of rights to the aggrieved parties. has violated the rights of the United States he might perhaps be given by statute. If there has been hitherto, or if there be now, doubt about the construction of the act of March 3, 1883, the Post ter-General owes it to himself, to Congress, and to the people to ol from the Court of Claims a judicial decision of such doubtful quest

If the theory of the construction of the act of March 3, 1883, sented in the majority report be the construction of the act, then

o ground whatever upon which to ask legislation. Consequently, ırging the passage of this bill, the majority in effect admit that the ory presented is fallacious. That it is so upon examination will ap- r manifest. The act of June 12, 1866, was passed before the time the first biennial readjustment under the act of July 1, 1864, arrived. departure from the strict rule of that act, requiring the prospective nial adjustments to be made on the basis of commissions of the two rs prior, by making such adjustments on one or two quarters, did occur till after the passage of the act of June 12, 1866, so that that could by no possibility have had any reference to deviation from rule of prospective adjustments. The act of 1866 had for its only sible purpose the rectification of the wrong resulting from prospect- adjustments of salaries in cases of increase of receipts after the spective adjustment was made. The whole theory is based upon manifestly untenable ground that, from the fact that the act of e 12, 1866, was enacted as a *proviso* to section 2 of the act of 1864, ch made provision for the prospective adjustments, that thereby act of 1866 was limited to prospective adjustments. This is not in manifest violation of the rule of construction of provisos, which uires that the excepted cases of the proviso be excepted from the tations of the section to which the proviso is attached, but it also es a complete nullity of the act of 1866. The irresistible conclu- is, that Congress is asked to erect a statute upon the basis of a lly indefensible theory of the construction of an existing statute. it is desirable that there shall be a review of the prospective bien- adjustments, made under the act of July 1, 1864, in those cases re a salary was allowed less than the commissions of the prior two rs, without regard to the amount of commissions for the subsequent years, a bill for that purpose ought to be framed in clear language presented to the House for its judgment.

Congress has not the power by an *ex post facto* law to rob post- ters of vested rights to compensation earned, the effect of this meas- would be, not to reduce the liability of the Government, but to ex- l it indefinitely by conferring rights upon other postmasters who er complained of wrong, or had any ground of complaint.

HENRY H. BINGHAM.
J. C. BURROWS.
S. R. PETERS.
RICHARD GUENTHER.
J. B. WAKEFIELD.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2377.

CHANGING NAMES OF CERTAIN NATIONAL BANKS.

MAY 12, 1886.—Laid on the table and ordered to be printed.

Mr. MILLER, from the Committee on Banking and Currency, submitted the following

REPORT:

[To accompany bills H. R. 7687 and 8207.]

The Committee on Banking and Currency have considered House bills 7687 and 8207, and report the same back to the House, with the recommendation that they be laid upon the table, for the reason that the general law passed by this Congress and approved by the President affords all the relief asked for.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2378.

CONNECTING BAYOU TECHE WITH GRAND LAKE, AT CHARENTON.

MAY 12, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. IRION, from the Committee on Railways and Canals, submitted the following

REPORT:

[To accompany bill H. R. 8755.]

The Committee on Railways and Canals, to whom was referred the bill (H. R. 8755) to connect Bayou Teche with Grand Lake, at Charenton, La., have had the same under consideration, and submit the following report:

The following extracts from the report of the Chief of Engineers, United States Army, will explain the nature of the improvement:

The original project was adopted in 1880, the object being to connect Bayou Teche with Grand Lake, at Charenton, by the construction of a canal a little over a mile long, 50 feet wide, and 5 feet deep, with a lock at one end, estimated to cost $75,000. This was modified by further study and examination, and it was found to cost no more to dig a canal 100 feet wide of the same depth, on which no lock would be necessary. The latter would be very much more desirable and cost much less for maintenance. March 3, 1881, Congress appropriated $25,000 to commence this work, the estimated cost of which was $75,000. The amount of money would not warrant the commencement of the work, hence the actual work of digging or starting the canla has not yet begun. The land on which the canal was to be dug and cession of jurisdiction were given to the United States, the necessary surveys were made, the level lines run, and lines located.

This canal will shorten the water communication from Bayou Teche, the richest sugar region in the State, to New Orleans about 75 or 100 miles. It is in contemplation to open Bayou Plaquemine, which was once the water channel of communication from the Mississippi to the Lower Atchafalaya, and which is now closed by a dam. With the Plaquemine opened and the Charenton Canal in operation, the water communication with New Orleans will be shortened nearly one-half, and the benefit to Lower Louisiana will be very great.

The present bill proposes to increase the appropriation $50,000 in addition to that already made, and your committee recommend its passage.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2379.

OFFICERS' QUARTERS AT NEW YORK ARSENAL.

MAY 12, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill H. R. 7764.]

The Committee on Public Buildings and Grounds, to whom was referred House bill 7764, submit the following report:

It appears that these quarters are intended for an officer on duty with the Ordnance Board, and whose services are performed at this arsenal. He is now forced to live in New York City, at considerable expense and great inconvenience.

There is paid this officer annually as commutation for quarters the sum of $432, which is nearly 9 per cent. on the $5,000 required to build the quarters. It would seem economy on the part of the Government to make this appropriation. The estimates for this improvement are to be found in the Book of Estimates, page 169, and said improvement is recommended by General Benét, Chief of Ordnance.

Your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2380.

EDWAY A. GRANT.

MAY 12, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CHARLES E. BROWN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 267.]

The Committee on Claims, to whom was referred Senate bill 267, submit the following report:

This bill is identical with House bill 2817 (favorable report No. 1127). Its passage is recommended in lieu of said House bill.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2381.

T. H. NORTON AND JAMES McLEAN.

MAY 12, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McKENNA, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4760.]

The Committee on Claims, to which was referred the bill (H. R. 4760) for the relief of Thomas H. Norton and James McLean, having duly considered the same, reports as follows:

A similar bill was introduced in the Senate and has been reported favorably from the Committee on Claims of that body. The report correctly states the facts, and this committee therefore adopts the same and recommends the passage of the bill.

[Senate Report No. 534, Forty ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1256) for the relief of Thomas H. Norton and James McLean, having duly considered the same, make the following report:

The facts are fully stated in the affidavit of T. H. Norton, a letter from Hon. N. C. McFarland, Commissioner of the General Land Office, to the register and receiver of the land office at Del Norte, Colorado, dated March 29, 1882, and a letter from the honorable Secretary of the Interior to the Commissioner of the General Land Office, dated May 10, 1882, copies of which are made a part of this report.

Claimants recently applied to the Secretary of the Interior for equitable relief. The Acting Secretary, in denying the application, said:

"The subject of said application has been carefully considered, and while the facts stated seem to show a strong calling for relief, it is not in the power of this Department to grant the relief sought, but if it is granted recourse must be had to Congress."

In the opinion of your committee the receipt by the receiver of the local land office of the draft on the First National Bank of Ironton, Ohio, mentioned in the correspondence, for the amount at the time, required to pay for the lands sought to be entered, ought to be treated as a payment, and the claimants are equitably entitled to the relief asked.

The committee therefore recommend that the bill do pass.

Affidavit of Thomas H. Norton.

STATE OF WEST VIRGINIA,
County of Ohio, ss:

Personally appeared before me, the undersigned, a clerk of the county court in and for the county aforesaid, on the —— day of ——, A. D. 1885, Thomas H. Norton, who, being duly sworn, deposes and says as follows:

On the 12th day of September, 1881, being then at Villa Grove, Saguache County, Colorado, 75 miles from Del Norte, the nearest United States land office, and being fully

aware of the law regulating the sale of United States coal lands, which provides tl if a completed railroad approaches to within 15 miles thereof, the price to the p chaser shall be $20 per acre, and desiring and intending to avail myself of the l authorizing the sale of such land at $10 per acre, I proceeded on that day by priv conveyance to Del Norte expressly and solely to make the legal entry of the south o half of southwest one-quarter, and southwest one-quarter of section 26, and north o half of northeast one-quarter of section 35, township 46 north, range 8 east, and m payment therefor. I arrived at Del Norte the following day, September 13, 1881, a in company with James McLean, my associate in the entry and purchase of this la I called at the United States land office at that place, and there found Mr. John Cl been the register of said office. Explaining to him the nature of my business, I w permitted at once to make the entry of the land in question. I paid the requisite fees therefor, and then proposed to pay the sum of $3,200 to complete the entry, havi at that time the funds for the purpose on deposit to my individual credit in the Cus County Bank, and fully available to me in currency on that day in Del Norte. In a conversation the register stated that the receiver being absent the payment co be deferred until the end of the month. Subsequent investigation shows that t receiver, Mr. Bristoe, was absent from his office without proper authority, and on tl day, September 13, 1881, was in the city of Denver, Colo., over 300 miles from l Norte. I expressed anxiety to the register about this payment, informing him tl the Denver and Rio Grande Railroad was being rapidly constructed to a point wit 15 miles of said lands, and would probably reach there before the end of the mon and offered if necessary to leave the funds with the register. In reply that officer plained that the receiver made no report until the end of the month, and that if p ment was then made the sale would be duly approved at $10 per acre.

I now distinctly state that had the receiver been at his post of duty on that day sum of $3,200 would have been paid to him by me in United States currency in p ment of the entry of this land; but in the absence of that officer, and upon the ass ance of the register that the short delay in payment would not affect the price, payment was deferred, as stated. Thus the matter rested until September 30. Be on that day at Buena Vista, Colo., 150 miles distant from Del Norte, I telegraph the register asking if he would grant an extension of thirty days in which to m the payment, and receiving a negative reply I immediately mailed to him a si draft for $3,200 on the First National Bank of Ironton, Ohio, which draft was duly ceived by the receiver, forwarded for collection, and the proceeds duly paid over the United States. I received no notice or intimation of any kind, by telegra mail, or otherwise, from said receiver that he could not or would not receive s draft in payment for said lands; therefore I supposed the transaction was closed a the entry complete, and received no information to the contrary until long af October 15, 1881, when I was informed that the Commissioner of the General La Office had decided otherwise, and directed the local land officers to require Mr. M Lean and myself to pay an additional sum of $10 per acre before said entries wo be recognized by him as complete. I further state that had the receiver of said la office, on the receipt of said draft by him, notified me that he could not accept t same in payment for said land, I could and would have paid to him in lawful mon of the United States therefor, before the 15th day of October following the date sa railroad was completed to within 15 miles of said lands. I further state that by re son of the neglect of said receiver to inform me as soon as he received said draft th he could not or would not accept the same in payment for said lands, and by t order of said Commissioner aforesaid, a consequence resulting from said neglect, i order to save ourselves from the loss of several thousand dollars expended by us f improvements made upon said lands before and after applying to enter the same aforesaid, we were compelled to pay the sum of $10 per acre for said lands in additi to a like sum previously paid by us therefor, as aforesaid, amounting to the sum $3,200, which we would not have been compelled to pay had the said receiver been his post of duty when we first applied to enter said lands, or had he returned sa draft to me on his receipt thereof and informed me that he could receive nothing b lawful money of the United States in payment for said lands as (it is the belief affiant) was his duty to do.

T. H. NORTON.

Sworn to and subscribed before me this 23d day of November, 1885.

GEORGE HOOK,
Clerk of the County Court of Ohio County, State of West Virginia.

Ex parte Thomas H. Norton and James McLean to have refunded $3,200, wrongfu exacted from them on coal-land entry No. 1, Del Norte, Colo.

MARCH 29,

GENTLEMEN: The evidence submitted in the matter of coal entry No. 1 in the se of your office made November 11, 1881, for the claim of James McLean and Tho

ton, embracing 320 acres of land described as the south one-half of southwest arter and southeast one-quarter of section 26, and the north one-half of the ast one-quarter of section 35, in township 46 north, of range 8 east, N. M. M. en carefully considered.

entry was allowed upon the payment of $10 per acre, notwithstanding the fact t the date thereof the Denver and Rio Grande Railroad had been completed to it within 15 miles of the land embraced therein, thus raising the question er the entry allowed upon payment at the rate of $10 per acre should be ap- l or whether the claimants should be required to make an additional payment per acre, which would aggregate $3,200. Section 2347, U. S. Rev. Stats., pro-

at any person above the age of twenty-one years who is a citizen of the United , or who has declared his intention to become such, or any association of persons lly qualified as above, shall, upon application to the register of the proper land have the right to enter by legal subdivisions any quantity of vacant coal lands United States not otherwise appropriated or reserved by competent authority, ceeding 160 acres to such individual person, or 320 acres to such association, payment to the receiver of not less than $10 per acre for such lands, where the hall be situated more than 15 miles from any completed railroad, and not less 20 per acre for such lands as shall be within 15 miles of such road."

price of the land is determined by the law and the facts as they exist at the hen the money is paid and the entry made.

his case the money was paid as per the record on the 11th of November, 1881, t on the 4th of October, 1881, the date when the draft on the First National of Ironton, Ohio, was received by the receiver.

iew of the foregoing, the claimant will be required to make an additional pay- of $10 per acre, which would aggregate $3,200.

will notify the claimants of this decision and allow them sixty days for appeal, ter the expiration of the time allowed for appeal you will report any action to this office.

Very respectfully,

N. C. McFARLAND,
Commissioner,

ISTER AND RECEIVER,
Del Norte, Colo.

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1882.

: I have considered the appeal of James McLean and Thomas H. Norton from lecision of March 29 last, requiring an additional payment of $10 per acre on purchase of the south half of southwest quarter and southeast quarter of section d the north half of northeast quarter of section 35, in township 46 north, range east, Del Norte, Colo.

tracts are coal lands, and the only question is whether their price should be $10 per acre: and this depends, under section 2347 of the Revised Statutes, upon proximity to a completed railroad. If at the date of proof and payment, which tutes the entry, the land is more than 15 miles from such road, the price is not an $10 per acre; if within 15 miles, it is not less than $20 per acre (see my pre- or's decisions of October 17, 1881, Copp, November, 1881, in which I concur). rice of coal lands varies therefore, according to its relations to a completed rail- and each case depends upon facts peculiar to itself.

present case shows that on September 13, 1881, the appellants filed a declara- tatement for the land in question, and paid the official fees, and soon thereafter d to the local officers the personal draft of one of them for $3,200, the price of res, at $10 per acre, upon a bank in Ohio. This draft was received at the local between October 1 and 3, and was sent to another bank for collection on October receiver declining to accept it as payment for the land until it was honored. It ot paid until November 11, when the entry was allowed at $10 per acre. On mber 13, no railroad was completed to within 15 miles of the land, but the Den- d Rio Grande had progressed and was completed to within that distance on or October 15.

nstead of a draft, the appellants had paid $3,200 in money on September 13, or he avails of the draft been received at the local office before October 15, they have been entitled to the land at $10 per acre; but as money only can be re- l in payment of Government land, and this payment was not made until Novem- , the price of the land, by reason of the progress of the road to within 15 miles land, was enhanced to $20 per acre.

The appellants appear to have acted in entire good faith, but under the mistaken supposition that their draft was a payment for the lands and sufficient to cause an entry thereof.

I cannot, however, regard the equities in their favor as against a strict requirement of the law, and affirm your decision.

The papers transmitted with your letter of April 22, 1882, are herewith returned.

Very respectfully,

H. M. TELLER,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2382.

JOHN RYAN.

MAY 12, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LOUTTIT, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5921.]

The Committee on Invalid Pensions, to whom was referred House bill 5921, *submit the following report:*

The soldier in this case, John Ryan, enlisted April 1, 1861, in Company I, Sixteenth Pennsylvania Volunteers, as a private. He was discharged July 30, 1861, and enlisted as sergeant in Company H, Forty-ninth Pennsylvania Volunteers, August 6, 1861; promoted to second lieutenant November 8, 1862, and first lieutenant May 1, 1863; received a contused wound over the liver at the battle of Fredericksburg. December, 1862; was captured at the battle of Gettysburg, July, 1863; was treated while a prisoner of war for dysentery, contracted scurvy, and was paroled, March 7, 1864. He was discharged July 9, 1864, on account of physical disabilities.

It appears from the records of the War Department that the wound affected his stomach to such a degree as to compel him to reject a greater part of his food, even while in the service.

In 1878 he presented his claim to the Pension Office and was pensioned at the rate of $8.50 per month from result of scurvy.

It is evident from the testimony presented in this case that the soldier has been a constant sufferer ever since his discharge, both from this and several other disabilities, all of which were evidently contracted in the service.

Your committee, therefore, are clearly of the opinion that his services and sufferings while in the Army, that the degree of his disability since discharge, as shown by the testimony offered, would warrant the increase of his pension. Therefore your committee recommend that the bill do pass.

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TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2383.

PATENTS AND PATENTED INVENTIONS.

MAY 12, 1886.—Referred to the House Calendar and ordered to be printed.

r. COLLINS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 6320.]

e Committee on the Judiciary, to whom was referred the bill (H. R. 6320) xtending the jurisdiction of the Court of Claims to certain suits for the se of patents and patented inventions against the United States, respectfully report:

At the present session this bill was referred to the Committee on tents, but was afterwards by order of the House referred to this mmittee. At one time, it appears, the Court of Claims decided that had no jurisdiction of claims against the United States based upon plied contracts for the use of patents and patented inventions; but terwards, with the approval of the Supreme Court, it assumed jurisiction of all such cases, without any change in statutes, thus giving ventors relief in all cases less than six years old, but barring all thers.

Patented inventions are "private property," which cannot be taken onstitutionally for public uses without just compensation to the owner. ut before the Court of Claims assumed jurisdiction of this class of ses no tribunal existed where the rights of the parties could be adjuicated. Most, if not all, the patented inventions which may be the ubject-matter of suits against the United States under the proosed act were used by the War Department. The exhibits annexed how that the officers of that Department recognize the justice of legisation to permit inventors who can show that their inventions have een used and found to be of value to the United States, to litigate eir claims before a proper tribunal.

But, in the absence of such an expression, your committee are impelled to say that the United States should not deny to one of their inenious inventors the same right to recover from his Government comensation for the use of his invention that he has always had against y fellow-citizen who has used it.

The committee recommend as amendments the striking out of the preable, and the addition at the end of the bill of the words, "*Provided, ever*, that no suit or proceedings upon any of such claims shall be ought more than two years after the passage of this act."

As thus amended the committee recommend that the bill pass.

WAR DEPARTMENT,
Washington City, March 16, 1886.

SIR: I have the honor to acknowledge the receipt of a letter of the 9th instant, from the clerk of your committee, inclosing House bill 6320, to extend the jurisdiction of the Court of Claims for the use of patents and patented inventions against the United States, and requesting my views as to the advisability of reporting such a measure to the House.

In reply, I beg to invite attention to the inclosed report of the 12th instant, and accompanying papers, from the Chief of Ordnance, who expresses the opinion that "this bill is just and fair, placing all inventors on an equal footing and giving relief to meritorious cases that deserve it equally with those covered by the present action and practice of the court." He recommends the passage of the bill.

I concur in the recommendation of the Chief of Ordnance.

The inclosures to the letter from your committee are herewith returned.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. CHAS. L. MITCHELL,
Chairman Committee on Patents, House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., March 12, 1886.

SIR: I have the honor to return letter of the 9th instant, from the House Committee on Patents, inclosing "H. R. 6320, a bill extending the jurisdiction of the Court of Claims for the use of patents and patented inventions against the United States," and requesting information "as to the advisability of reporting such a measure to the House," and to report.

I herewith inclose paper containing an extract from my Annual Report of 1875, and also my letter to the Secretary of War, of October 11, 1875, in which it was suggested "whether jurisdiction ought not to be given to the Court of Claims." As will be seen by these papers, this idea was favorably reported on by the Senate Committee on Patents, but no action was taken by Congress.

The Court of Claims has since assumed jurisdiction of such cases; but, under section 1069 Revised Statutes, gives relief only in cases less than six years old. The purpose of this bill is to extend this jurisdiction to all claims which arose before the court assumed jurisdiction. In my opinion this bill is just and fair, placing all inventors on an equal footing, and giving relief to meritorious cases that deserve it equally to those covered by the present action and practice of the court.

I respectfully recommend this passage of the bill.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2384.

SIMPLIFYING CRIMINAL CASES IN THE COURTS.

MAY 12, 1886.—Referred to the House Calendar and ordered to be printed.

IAMMOND, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 8756.]

Committee on the Judiciary, to whom was referred the bill (H. R. 3883) simplify the pleadings and procedure in criminal cases in the courts of United States and of the District of Columbia, beg leave to submit the owing report:

the annual report of Attorney-General Brewster of December, he said, under the heading of "Criminal Procedure":

desirable that the attention of Congress should be directed to the want of legislation for criminal cases, in order that the pleadings may be simplified, a m system of challenges provided, and the trials shorn of the technical objec- and numberless dilatory motions that can be interposed to prevent a speedy pon the merits.

reparing indictments for offenses against the United States it is found neces- follow the common-law forms of the last century, with all the technicalities, ity of description, repetitions, and precision of statements formerly required, by that which should be a simple and concise written accusation becomes a y and painfully confused mass of descriptions and allegations, wholly unintel- o the defendant who is called upon to answer, or to the jury selected to try the

educe pleadings to a plain and comprehensive statement of the facts would equally to the advantage of the Government and the defendant. There is no why an indictment ought not to be adjudged sufficient and good in law which s the crime substantially in the language of the act prohibiting the crime and ibing the punishment, or so plainly that the nature of the offense charged may ily understood by the jury.

n it is necessary to describe or make an averment of any written or printed in- nt, as the law now stands, such instrument must be copied into the indictment iteral exactness equal to a photographic reproduction. The omission of a word ppears almost undiscernible among the lines and flourishes created by the skill engraver or penman would be a fatal defect that might enable a guilty man to punishment. It is also now necessary in some cases to set out in the indict- the value of such an instrument. As values are matters of opinion, a guilty ant should not be permitted to escape by reason of a conflict of testimony upon bject. It is suggested that it would be sufficient to aver or describe every nstrument by any name or designation by which the same may be usually , or by its purport, and in such manner as to sufficiently identify the instru- without setting out any copy or fac-simile, or the value thereof.

* * * * * * *

re stolen property is found in the possession of a person immediately after it en stolen, the presumption is that the person in whose possession the property d is guilty of the larceny; but this presumption may either be rebutted or doubts raised in the mind of the jury by the testimony of the accused; and it may be perfectly plain that the defendant came into possession of the prop- a way that he must have known it was stolen property, yet if indicted for

principal has escaped, the trial of the accessory must be postponed or t
abandoned, however strong the proof may be of his guilty participation.
principal and accessory are alike guilty, the present defect in the law shou
plied by permitting the accessory to be indicted, tried, convicted, and puni
respects as if he were a principal.

* * * * * *

When a prisoner is now brought to the bar of the court to be arraigned,
to the ancient usage, he remains standing while the clerk of the court re
the whole of the indictment, whether it consists of one page or one hundr
ning with the caption and ending with the signature of the district atto
cases of treason and others where the punishment is death, it is proper to o
the forms and solemnities attending such grave charges; but in other ca
pense with a formal arraignment would save much valuable time, and be
to the prisoner. Under the directions of the court the substance of the cl
in the indictment could be stated by the clerk; for instance, the stateme
clerk to the prisoner, "You are charged in this indictment with the embezz
$1,000, the property of the United States," would convey to the mind of th
a clearer idea of the nature of the accusation than he could obtain by listen
reading of the indictment.

Demurrers and motions to quash are a prolific means for impediments to
administration of justice. There seems to be no limit to these, especially n
quash, which may be made in any number and at any time preceding the
of the verdict. Counsel for a defendant may retain within his breast the k
of a defect in an indictment, and at the end of a long and expensive trial
with his motion to quash. The enactment that "every objection to any in
for any formal defect apparent on the face thereof shall be taken by demur
motion to quash such indictment, before the jury shall be sworn, and not aft
would be of incalculable benefit to the United States, without any disadv
the defendant.

Where a defendant is arraigned, and it becomes necessary for him to plea
another trial he was acquitted or convicted of the same charge, great nicety
observed in setting out his plea. An enactment that "in any plea of
acquit or *autrefois convict*, it shall be sufficient for the defendant to state tha
been lawfully convicted or acquitted, as the case may be, of the offense cl
the indictment," will simplify the plea, and relieve the defendant from all
embarrassments.

The act of June 8, 1872 (section 819, Revised Statutes), specifies the numb
emptory challenges that shall be allowed. In treason and capital cases, de
are allowed twenty peremptory challenges and the Government five. In fel
defendant is allowed ten challenges and the Government three. In all oth
civil and criminal, the defendant and the Government are each allowed th
lenges. By the act of February 22, 1867 (section 838 Revised Statutes, relati
District of Columbia), in cases where the punishment may be confinement in
tentiary or District jail, the defendant, on trial in the district of Columbia, is
four peremptory challenges. In treason and capital cases, allowing a d

; of Congress made a capital offense, the punishment is necessarily confinement in) penitentiary or District jail; so that when a defendant is charged in the District Columbia with committing an offense which at common law was a felony, it is an ›n question whether he is allowed the right which he would seem to possess in ›er courts of making ten challenges, or under the provisions of the act of February 1867, he is limited to four. But in any event the Government stands in the anom- us position of possessing less right in its courts in the District of Columbia than it sesses in any of its courts elsewhere.

n the absence of any law upon the subject, the manner of conducting the chal- ges and impanelling juries is wholly in the discretion of the court. It is a ›eral subject of complaint among lawyers who are called into various courts, that difference which exists in the practice in the several courts, in the matter of per- ptory challenges, subjects them not only to great annoyance, but often leaves them langer of losing the right which the law has granted to the defendant whom they resent. The same complaints are made in reference to challenges for cause. In ne of the courts, a juror, when challenged for cause, is interrogated by the judge ne; in others the counsel are permitted to make the examination; while in most the courts the causes of the challenge must be assigned in writing, and thereby ›ch time is lost in the trial. Another cause for controversy is, when prisoners are ntly indicted, whether they can demand separate trials, and whether when jointly ed each defendant shall have separate peremptory challenges, or they shall all be nsidered as one person with only the challenges that one person is allowed. All e doubts and difficulties which are here enumerated could easily be obviated by the ssage of a law providing a uniform and comprehensive system of challenges.

In the early stages of a case, with the limited testimony then before him, the coun- l for the Government is often in doubt whether an offense was actually committed, r that there was only an attempt to commit the offense. If the indictment charges e commission of the offense, the evidence at the trial may fail, and disclose only an ttempt, which would entitle the defendant to an acquittal. On the other hand, if e defendant is charged in the indictment with an attempt, and the evidence shows e actual commission of the offense, in cases of felonies, the attempt would merge in e felony, and the defendant would escape; and now that defendants are allowed to stify in their own behalf, where a defendant is indicted for an attempt to commit a ony, it will be a strange omission in the law that will enable him to take the wit- ss stand to swear that he actually committed the offense, and thus escape punish- nt. An act permitting the defendant to be indicted for the actual commission of e offense, "and at the trial, if the evidence shows that there was only an attempt, jury may find that the defendant is not guilty of the offense charged, but is guilty an attempt to commit the same," would remove all difficulties that now exist.

Questions frequently arise as to the competency or credibility of witnesses who are titled, in the event of the conviction of a defendant, to compensation or reward by ason of any loss or damage sustained, or for the arrest or apprehension of the de- ndant. A law should be passed making all such persons competent witnesses.

With all the caution and care that can be exercised by a watchful court and com- tent officers, it sometimes happens that there is an error or defect either in the pre- pt issued from the court or in the process issued for the summoning or returning jurors, or in drawing, summoning, or returning jurors. Such errors or defects can taken advantage of, even after the trial. Where there has been a fair trial on the erits, before an impartial jury who are otherwise competent, a mere technical error defect, such as above stated, should not be permitted to be used to set aside the rdict of the jury.

With a view to remedy the several evils, omissions, and defects which have been ferred to, and that a plain and concise criminal procedure may be enacted as gen- al laws for the courts of the United States, the following forms have been carefully lected, and are respectfully submitted for adoption.

Of the forms submitted, Attorney General Brewster said in his said nnual report:

In England and in most of the States, laws similar to the ones above suggested have en adopted, and after being in force for more than a quarter of a century are com- nded by the bench and the bar as valuable aids in securing a fair and impartial ministration of justice.

In the annual report of Attorney-General Garland of 1st December, 5, under the same heading of "Criminal Procedure," he said:

is of the highest importance that the pleadings in criminal cases be simplified iform system of challenges provided, and the whole proceedings shorn of technical ctions and numberless dilatory motions that can now be interposed to prevent a ly trial upon the merits.

[illegible] other comment he added the foregoing observations of [illegible] Brewster, and the forms by him proposed. Those [illegible] by two Attorney-Generals, of two administrations, [illegible] bill H. R. 3883, and referred to this committee.

[illegible] have carefully considered said bill, and while they ask [illegible] the table, they report favorably most of its provis[illegible] as a substitute for H. R. 3883.

[illegible] have left out section 4 of bill H. R. 3883, thinking it [illegible] any short form of indictment for murder or man[illegible] And so they left out sections 7 and 8 and part of section 10 [illegible] amendments of indictments to conform them to [illegible] therein described. Your committee deem it unnecessary [illegible] the reasons for such omissions.

The substitute further differs from said bill 3883 in these particulars:

In section 1 "the act prohibiting the crime and prescribing the punishment, if any such there be," is made to read, "the act defining the offense."

In section 2 describing any instrument "by any name or designation by which the same may be usually known, or by the purport thereof," is made to read "by the purport thereof and in such a manner as to sufficiently identify the instrument."

Section 3 is amended by making it read in that regard the same as section 2.

The fifth and sixth sections of the bill H. R. 3883 are unchanged except that the word "indicted" is stricken out from the fourth line of section 6. Your committee believe that when an accessory before the fact to a felony is to be tried separately as such, he should be so indicted and then tried, &c., as a principal.

Section 9 of bill 3883 is unchanged, except in adding after the words "arraigned," in seventh line, and "arraignment," in thirteenth line, the words "or being put on trial without formal arraignment."

Section 11 of bill 3883, as to pleas of former acquittal or conviction, was amended by adding "stating when and in what court."

Section 12 is unchanged. Section 13 relates to challenges in cases other than capital cases. As now in felonies the defendant has ten and in misdemeanors four challenges, your committee, instead of reducing all to four, as recommended, put the number at seven; so that section was amended by changing "four" to "seven," in line 4, by adding "provided for in this section" after "challenges," in line 7, and adding "to that party" after "allowed," in line 20.

Section 14 is unchanged. Section 15 required that when persons were by the court ordered to be tried jointly, they should challenge as one person. Your committee think that defendants so forced to trial jointly should lose none of their challenges. Accordingly, the committee amend that section so as to secure that right, by changing "the accused shall be considered as one person and shall have the right," &c., so that it will read "each of the accused shall have the right," &c., and by changing "one" to "each" in line 8.

Section 16 was amended by prefacing it with a definition of attempts to commit crimes (other than treason), and prescribing the punishment therefor, and then using the words of section 16, down to and including "the same," in ninth line, and striking out the remaining part of the [illegible]on.

[illegible]ion 17 is unchanged, and so we might say as to the substance of [illegible] 18. But in this last section, "court," in first line, is changed to

se"; after "judgment," in line 2, "therein" is inserted; and in line elative" is changed into "in relation to."

ie numbers of the sections in the substitute are made to conform to above omissions of sections.

ie reasons for the proposed legislation, so far as now recommended, ully set forth by the two Attorney-Generals, are submitted by this mittee as sufficient arguments in favor of the same.

our committee therefore recommend that bill H. R. 3883 be laid on table, and that the bill now submitted be adopted as a substitute eu thereof.

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. } REPORT
st Session. } } No. 2385.

HING IN THE NAVIGABLE WATERS OF THE UNITED STATES.

MAY 13, 1886.—Referred to the House Calendar and ordered to be printed.

TUCKER, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 4690.]

Committee on the Judiciary, to whom have been referred House bill 4690, d several petitions in favor of the passage of the same, have fully con- dered the same, and report as follows:

ie proposed bill would give by act of Congress to the citizens of the ral States of the Union equal right with the citizens of each State sh for floating fish in the navigable waters and lakes of the latter. ie question involved depends on the title to the waters and lakes red to.

or purposes of navigation they are free to all the citizens of the sev- States alike, and the power of Congress to regulate commerce be- n the States includes the right to prevent any hostile legislation ny State against the equal rights with its own citizens of the citi- of all the other States; or it is forbidden by the clause of the Con- tion which gives to the citizens of each State the privileges and inities of citizens in the several States. (C. U. S., Art. 4, § 2.)

it it is right to inquire whether the citizens of a State acquire their of fishing in its waters as a privilege derived from the grant of State, or as vested in them by virtue of ownership as members of ody politic.

has been settled by the highest authority in the English courts, ever since Magna Charta, the Crown cannot grant to a subject a ral fishery in an arm of the sea, or in navigable waters, but that ich waters and the beds thereof are vested in the Crown for the fit of the subjects thereof, and not to be used in any manner to gate from the right of navigation which belongs to the subjects of realm. (Free Fishery, &c., *v.* Gann, 115 E. C. L. R., 803—House of ls Cases—per Lord Chancellor Westbury and Lord Wensleydale on Parke); S. C. in Exch. Chamber, 106 E. C. L. R., 853; S. C., E. C. L. R., 387, Common Pleas.)

his royal title held for the benefit of the subjects of the Crown, which not be aliened to their detriment, has been thus recognized ever Magna Charta.

this country, by a series of decisions, the Supreme Court of the ed States has settled the law in accordance with the English courts— upon the Revolution the rights of the Crown in navigable waters inclusive of arms of the sea devolved upon each State as to all

such waters within the territory of each of them. (Martin *v.* Wa 16 Peters, 367.)

In Pollard *v.* Hagan (3 Howard, 212) the same doctrine was tained as to new States, as well as to the original States; and the of the State fixed to all the beds of rivers below high-water mark

In Smith *v.* State of Maryland (18 How., 71) the right of the of Maryland to the shell-fish and floating fish in Chesapeake Ba established as the sovereign right of the Commonwealth devolved her from the Crown at the Revolution—a right which she could c without violation of the Constitution by such regulations as were ful to secure this public right, without interfering with the navi of the waters—Mr. Justice Curtis delivering the unanimous opin the court. (Accord Mumford *v.* Wardwell, 6 Wall., 436; Weber r bor Commissioners, 18 *Id.*, 66.)

In McCready *v.* Virginia (94 U. S. Reports, 391), the unanimous ment of the court was delivered by Mr. Chief-Justice Waite, by the right of Virginia to use and appropriate the navigable wat Virginia for the benefit of her own people for the taking and c tion of fish, as a property right, and not as a privilege or immu citizenship, is established; though thereby the citizens of other are excluded from the same rights. This right is one of property citizens of Virginia, and not a privilege or immunity of citizens

It is true the last decision, though in the opinion made to ap well to floating fish as to shell fish, only applied in fact to shel but your committee see no reason why the principle of these dec should not apply to both.

Fish are *feræ naturæ*, and an absolute property in them can o asserted when restrained of their liberty. This, it may be said, case with oysters, which, when planted, have no capacity to mov distinguishes them from floating fish, which may move out of the of the State in whose waters they may temporarily be.

But upon this distinction of nature, no ground can be maintain changing the decision applicable to the one, when the case of the is adjudicated.

In the case of Riggs *v.* The Earl of Lonsdale (1 Hurlst. & No 923) it was decided in the Exchequer Chamber that the owner of had a right of property in game killed on his land by a stranger fact that the game was *feræ naturæ* did not take from the owner land the property therein, even in favor of a stranger who hunte killed it there.

This case was considered very fully in Blades *v.* Higgs (104 L. R., 50), where the decision of Justice Willes at *nisi prius*, over Riggs *v.* Lonsdale, was reversed by the Court of Common Pleas on appeal to the Exchequer Chamber (106 E. C. L R., 844) the Co Common Pleas was unanimously sustained; and the judgment of t chequer Chamber was affirmed by the House of Lords in S. C., 1 C. L. R., 866. The judgment in the House of Lords was sustained b high authority of Lord Chancellor Westbury, with Lords Crans and Chelmsford, both ex-chancellors, concurring. That case d clearly and distinctly that if A, a hunter, finds, kills, and carries one continuous act, any game, *feræ naturæ*, on the land of B, the game is the absolute property of B, *ratione soli*.

That the same doctrine is applicable to fish caught and taken the waters of the owner, cannot be questioned; and the cases re to by the judges in the discussion of the cases above cited, mentio as of the same character as animals and birds.

r committee, therefore, being of opinion that the navigable waters each State belong to it, subject to the paramount right of navi-, for the benefit of its own people, it has the right to secure the ive right of fishing in them to its own citizens by virtue of their on property in said waters, and that the citizens of other States o constitutional right, nor can Congress confer any, to participate ing in them.

r committee recommend that the bill referred do lie on the table, e prayer of the petitioners be denied. All of which is respectfully tted.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2386.

DIVIDING THE STATE OF IOWA INTO TWO JUDICIAL DISTICTS.

MAY 13, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. HEPBURN, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 5990.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 5990) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts, report the same back with a favorable recommendation.

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2387.

PACIFIC RAILROADS.

AY 13, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. RICHARDSON, from the Committee on Pacific Railroads, submitted the following

REPORT:

[To accompany H. Res. 170.]

The Committee on Pacific Railroads have considered the joint resolution (H. Res. 170) introduced by Mr. Richardson on May 10, and referred to this committee by the House, and report as follows:

The committee are of opinion that an examination should be made into the workings and financial management of the Pacific railroads that have received aid from the Government in bonds or lands, to ascertain whether they have observed all the obligations imposed upon them by the laws under which they received such aid, or which have been since passed in reference thereto.

In view of the vast interest the Government has in these railroads, and its liability for them, it is of the utmost importance that Congres shall know whether or not said obligations have been and are being disregarded by said companies. It is, by the committee, deemed important that the system of keeping the books and accounts of the roads be also investigated. The committee have reasons to believe that their books are not so kept as to show properly their net earnings. It is important to ascertain if there have been diversions of the earnings of said aided roads to less productive unaided branches, or any other wrongful or improper purpose, and if so, to what extent; and also whether or not there have been discriminations in rates in favor of unaided as against aided roads. Your committee are of opinion that considerable money is due to the United States from said railroads on account of mistaken or erroneous reports, settlements, or accounts made and rendered by them. Further, it is believed that proceeds of the trust funds or lands loaned or granted them have been diverted from their lawful use.

To the end that an investigation may be had covering these alleged evils and irregularities, your committee are of opinion that the Secretary of the Interior should be clothed with power and have the necessary funds provided him with which to make such examination. They are of the opinion that such an investigation can be more satisfactorily made by experts and competent persons selected by that official, to whom they will report, and under whose direction they will proceed and operate, than by any other mode. They do not hesitate to say they believe that this method of making such examination is preferable to an investigation by a committee composed of the members of Congress.

They think the compensation to be allowed the persons thus employed should be at the rate of $3,000 per annum, and that in addition thereto their board and traveling expenses should be allowed. Your committee cannot state accurately the time necessary for this investigation; but it will probably cover six or eight months. They consider it wise to leave it in the discretion of the Secretary of the Interior as to when their services shall be dispensed with.

In this connection the committee beg leave to refer to the letter of the Secretary of the Interior, dated January 23, 1886, addressed to the President of the Senate, being Ex. Doc. No. 39. From that letter it will be seen the Department cannot, with its present force, make the contemplated investigation, by reason of the pressure already upon its employés. Its clerical force is not now sufficient, and the Secretary asks for an increase therein, that thereby "the financial interests of the Government may be subserved, and a better understanding arrived at between bonded and land-grant railroads and their relations and responsibility to the Government." That letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1886.

SIR: Under the requirements of the law creating the office of Commissioner of Railroads, and the duties devolved upon that office and the Secretary of the Interior I beg leave to represent that, in order to a proper compliance therewith, an increase of the force in that office is absolutely necessary, and that with an adequate force the financial interests of the Government would be subserved and a better understanding arrived at between bonded and land-grant railroads and their relations and responsibility to the Government.

It has been found impracticable with the present force to secure the information necessary to such relation and understanding, and to procure and prepare concise and specific reports, the present force being barely sufficient for the current business of the office.

It is not deemed advisable that specific grades and salaries should be appropriated for, as in the case of the permanent force of most offices of the Government, but that a bulk appropriation should be made of from $15,000 to $20,000, for the employment of appropriate force in various and specific lines of investigation, at such times and at such rates as might be deemed best.

If such an appropriation be made, it should be made available as soon as practicable, to the end that the service desired may be utilized during the current year's business.

Very respectfully,

L. Q. C. LAMAR,
Secretary.

The PRESIDENT OF THE SENATE PRO TEMPORE.

The committee do not believe that the sum mentioned and asked for by the Secretary of the Interior will be sufficient, or it may not be, for the purpose indicated by him and the objects set forth herein. They therefore recommend that the sum of $30,000 be appropriated or set apart for the purposes contemplated.

Your committee recommend the adoption of the joint resolution herewith reported, being H. Res. 170, introduced by Mr. Richardson and referred to this committee by the House on the 10th instant.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2388.

FREDERICK ROBERTSON.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1860.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1860) granting a pension to Frederick Robertson, respectfully report:

Dr. Robertson was appointed contract surgeon, United States Volunteers, April 16, 1863, and the same was annulled July 1, 1863.

He alleges "that while in line of duty at Milliken's Bend, La., in 1863, he was taken with phthisis pulmonalis, chronic nephritis, and lithea, and disabled for the performance of duty in Van Buren Hospital, and was discharged on account of the same."

The Pension Office rejected his claim on account of soldier's inability to furnish the testimony called for.

Dr. Robertson served as acting assistant surgeon, United States Army, from October 18, 1861, to November 17, 1861, at Warsaw, Mo.; in the field from April 3, 1862, to May 17, 1862; again at Warsaw, Mo., from October 18 to November 17, 1862.

Russel Hinckley testifies:

I have known claimant for many years, and at the time of the rebellion, 1862, I saw him; did not examine him, but to the best of my knowledge and belief the claimant was in good health and able-bodied and well enough to obtain a living.

Dr. I. Z. Hall, assistant surgeon, United States Army, testifies that he knew claimant in 1862; was employed with him, and knows that claimant was at that time in good sound health and was free from any disease.

William J. Maddox, M. D., testifies:

That he has known claimant for one year, and during that time has treated him for chronic nephritis and lithea, with phthiais pulmonalis; said complaints are of long standing. Owing to these diseases claimant is unable to make a living by his calling or business.

Two neighbors testify that claimant has been suffering from disease and disability, and unable to make a living on account of same. The board of examining surgeons of Montgomery County certify:

In our opinion claimant is one-half incapacitated for obtaining his subsistence by manual labor from chronic cystitis. It is our belief from his present condition and from the evidence before us that the said disability did originate in the service aforesaid in the line of duty. This man is suffering from chronic cystitis, mucus in urine, tenderness, with some hemorrhage, on careful introduction of urethral sound. He is old, much broken down in health, and bears the evidences of suffering.

The evidence is clear as to the present condition of claimant, and in fact since discharge. The doctor's testimony and the testimony as to incurrence is rather meager, but claimant states under oath that he cannot furnish the desired evidence, since some of those wanted to testify are dead, and he is unable to find the others. The claimant's prior soundness is clearly established.

Your committee find this claimant is over seventy-one years of age, is much broken down in health, very feeble, and exceedingly poor, and cared for by the charity of friends. He enlisted early in the war, was assistant surgeon, and while in field hospital attending duties at the battle of Shiloh received a gunshot wound and was carried off the field. Afterwards he accompanied General Grant in the Vicksburg campaign, and became permanently disabled from exposure in the swamps of Mississippi and Louisiana, and by bad weather in 1863–'64, and was discharged the service on account of permanent disability.

Believing that this claimant's disabilities were incurred during claimant's faithful performance of his duty as a surgeon, your committee recommend that the bill be amended by striking out, in seventh line, "at the rate of thirty dollars per month," and that the bill as amended do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2389.

JACOB HOLDER.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5751.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5751) granting a pension to Jacob Holder, respectfully report:

Jacob Holder enlisted December 26, 1861, in Company G, Fifty-eighth Regiment Ohio Volunteers, and was discharged September 16, 1865. He claims a pension because, as he alleges in declaration filed March 13, 1879—

He contracted chronic catarrh of the lungs, in or about the month of August, 1865, near Vicksburg, Miss., induced by exposure to the weather and climate, rendering him subject to frequent seasons of suffocation and great debility, especially following any attempt to labor.

The Pension Office rejected his claim "on the ground of there being no record, and of claimant's inability to furnish satisfactory evidence of the alleged disability during service or at and since discharge."

The records of the Adjutant-General's Office do not furnish any evidence of disability as claimed.

F. Clark Miller, examining surgeon, in his report dated June 30, 1881, certifies:

In my opinion the said Jacob Holder is not incapacitated for obtaining his subsistence by manual labor from chronic catarrh of the lungs. It is my belief that the said disability did not originate in the service aforesaid in the line of duty. Respiratory murmur is normal except a slight emphasis on right side. He complains of pain in lower portion of his abdomen, and "trouble" in his back at times. He is saturated with malaria; is taken with a chill while under observation. This is all I can discover in his case, and consequently I give him no rating.

Claimant can furnish the evidence of only one comrade, De Wall Shaffer, as to his condition at the time of enlistment, whose affidavit is herewith given in full:

That I was a comrade of claimant and know that at the time of his enlistment he was in good health and always able and ready for duty. He was a fresh, healthy-looking, and fleshy man. His habits also were those of a good soldier, temperate, regular, and orderly.

De Wall Shaffer, comrade, testifies as to claimant's condition during service, as follows:

That on or about the last day of August, 1865, at Vicksburg, Miss., claimant was disabled in the line of duty, by disease, which seemed to afflict his breast or stomach. His breathing was hard, he was stupid and unable to talk. He was sick about six weeks until we were mustered out at Columbus, Ohio. His disease was contracted under the following circumstances, viz: We were in camp at Vicksburg. The weather

was extremely warm until 9 o'clock in the evening, when the nights would get col and the dew become very heavy. The nights were so cold and the dew so heavy tha if one fell asleep and neglected to cover himself with his blanket, he would get a cold and wet as if he had been in a sprinkle of cold rain. I know these facts fron personal experience while on duty at the above time and place.

As to claimant's condition since he left the service, David Leese, M G. Kohr, and Jacob Rearick testify:

They have been personally acquainted with claimant since his return from th Army in 1865, and have known him to be of unsound condition and unable to worl part of his time on account of disease of the chest or pain in his breast. The doctor called it lung disease, and it disables him to such an extent as to render him unabl to work continually.

Your committee in reviewing the evidence produced in this case hav been unable to see that claimant's present condition can reasonably b referred to his service in the Army. It is true that he appears to hav suffered from a malarial attack whilst in the service, and that he experi enced another atttack whilst he was under the observation of the ex amining surgeon, but it has not been shown that there is any connectio between the disease from which he is now suffering and his service.

They therefore recommend that this bill do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2390.

DANIEL KILLIGAN.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8065.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8065) for the relief of Daniel Killigan, respectfully report:

Daniel Killigan received four wounds at the battle of Chancellorsville, for the disabilities resulting from which he is now in receipt of a pension of $16 per month. This bill asks that it should be increased to $50.

It appears from the evidence on file that the pension which he now receives was granted by reason of gunshot wound through the chest and another through the arm. He also in the same engagement received a shell wound in the head, which, however, as it left but little external mark, does not seem to have attracted much attention from the examining surgeons. Latterly, however, this wound of the head has been more carefully examined by Dr. Bliss, of Washington, D. C., who testifies:

> That the shell wound of the right frontal bone has carried away a portion of the external plate or producing depression, which in his judgment has seriously affected his mental condition, and producing slight epileptiform lesions, so as to occasionally produce irregular locomotion.

Your committee can see no reason why this claimant cannot obtain relief through the regular channel of the Pension Department. The whole question is one to be settled by an examining board of surgeons.

This committee must decline to assume the functions of such a board, and they therefore suggest that this case be referred to the Pension Department, which will no doubt afford all the relief that the case may demand.

They therefore ask to be discharged from the further consideration of the bill, and ask that it do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2391.

SUSAN V. YOUNG.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6252.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6252) granting a pension to Susan V. Young, respectfully report:

Susan V. Young is the widow of Samuel Young, formerly captain of the Independent Scouts of West Virginia.

The soldier applied for a pension on account of a gunshot wound of left hand, and his claim was rejected by the Pension Office upon the report of the Adjutant-General United States Army, stating that there is no record in that office of Capt. Samuel Young's Independent Company of West Virginia Scouts; that it was probably a State organization, called out by the governor for local defense, and not mustered into the United States service.

Your committee cannot deviate from their established rule not to recommend for pension any one not on the muster-roll of the United States, or acting under the orders of an officer of the United States.

In this case there is no evidence as to this point, nor is it shown whether the disease from which "Captain" Young died was the result of injury incurred or disease contracted in the service.

For these reasons your committee report the bill adversely, and recommend that it do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2392.

LOTTIE E. DIETRICH.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6585.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6585) granting a pension to Lottie E. Dietrich, respectfully report:

They find that Lewis W. Dietrich, late a second lieutenant in Company E, Thirtieth Regiment United States Colored Troops, was pensioned at $15 per month, by special act approved April 17, 1866. for gunshot wound, causing amputation of left hand.

Your committee cannot find that his widow made application to the Pension Department; nor can they find any evidence whatever which would indicate the cause of soldier's death, or connecting it with his service in the Army.

They therefore suggest that his widow make application in the regular way to the Pension Department, and recommend that the bill do lie on the table.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2393.

ELIZABETH JOHNSON.

MAY 14, 1886.—Laid on the table and ordered to be printed.

ɔWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3643.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 643) granting a pension to Elizabeth Johnson, respectfully report:

ıey find that Elizabeth Johnson was the foster-mother of John ıson, who enlisted May, 1861, in Company H, Seventy-first Regi- t Pennsylvania Volunteers, and was killed at the battle of Ball's f. There is no evidence before this committee showing why this ır-mother should receive a pension, there being only one affidavit physician showing that claimant's husband is sick and broken down ɜalth, and the claimant's declaration that she was partly dependent ı said son for support.

the absence of any evidence establishing the dependence of mother, committee feel compelled to report adversely, and ask that this bill ɜ on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2394.

MRS. LOU GOBRIGHT McFALLS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

ADVERSE REPORT:

[To accompany bill S. 1267.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls, having had the same under consideration, respectfully report:

Mrs. McFalls is the widow of Thaddeus B. McFalls, late a chaplain of the United States Army with the rank of captain. She is now receiving a pension of $20 a month, according to the rank of her husband, when he died, in the Army.

Your committee cannot see that there is anything in this case to distinguish it from those of widows whose husbands died in the performance of their duty. It is claimed that in addition to the duties of chaplain he also acted as nurse in several hospitals in Washington, and that whilst acting in this latter capacity he lost his health and continued growing steadily worse until he died. Conceding that his death was directly traceable to his service, his widow now receives the same pension which is granted to the widows of officers of the same rank who have been killed in the service, and they can see no reason why a distinction should be made in her favor. They therefore report this bill adversely, and recommend that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2395.

JOHN P. McDONALD.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8151.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8151) granting a pension to John P. McDonald, submit the following report:

This soldier enlisted September 9, 1862, in Company E, Second Regiment Colorado Cavalry, and served until June 16, 1865. In 1875 he applied for a pension, alleging that in an engagement at Lone Jack, Mo., while charging the enemy, his horse fell, throwing him on the pommel of his saddle, producing a rupture. Claimant testifies that Dr. Vance, the regimental surgeon, supplied him with a truss, and that he received no other treatment. Dr. Vance died in Ohio in 1878, and his evidence cannot be obtained.

Stephen Culbertson, a near neighbor, testifies that claimant was a sound man when he enlisted. Lieut. Robert O. Riser testifies that claimant was examined by the surgeon when taken into service and pronounced a sound man.

First Sergeant William Lockstone testifies to the same facts.

Capt. R. W. Jenkins, of same company, testifies that all the men in the company were rigidly examined at enlistment, and consequently claimant must have been sound.

Lieutenant Riser testifies that in line of duty, May, 1864, claimant, with his company, was ordered to charge double-quick in support of a company in action, when his horse fell, throwing him forward on the pommel of the saddle, rupturing him, and for which he had to wear a truss; that up to this time he was well, except eight weeks, when he was in pest hospital with small-pox. First Sergeant Lockstone testifies to the same as Lieutenant Riser. Stephen Culbertson testifies that in 1864 claimant came to him much dispirited, and said he would have to be discharged, as he was ruptured. Dr. J. T. Scott, the examining surgeon at Holton, says his attention was called to the rupture while treating claimant in 1874 for pneumonia; found he had double inguinal hernia; examined him frequently since. The examining board at Atchison, February 18, 1885, report inguinal hernia of both sides. The witnesses are all vouched for as credible, and nothing appears in the case to cast any doubt upon the statements made by them. It would seem as though there could be no reasonable doubt that claimant entered the service free from rupture. The lieutenant and first sergeant testify as to its incurrence, and Comrade Culbertson that claimant told

him of it in service. The case was rejected on the ground of no r and inability to furnish necessary evidence. There seems to be n dence of its existence at discharge. Considering the nature of th ability, and the delicacy that most men feel about speaking of an i of this kind, or even of having it known, your committee feel tha rigid rules of evidence required in other cases of disability ought somewhat relaxed in cases of this kind. The claimant is a man of character, and in destitute circumstances, caused, as he claims, t disabilities received in the Army.

Your committee recommend the passage of the bill.

I CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2396.

W. D. HAVELY.

14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7616.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 616) for the relief of W. D. Havely, submit the following report:

ıe files in this case show that W. D. Havely is the father of Robert Iavely, a private in Company C, Fifteenth Regiment West Virginia ınteers, who fell mortally wounded at the battle of Cloyd's Mountain r 9, 1864, and died from the effects of said wound twelve days later. ı mother of the soldier died in 1845. He left neither widow nor child. ı father is now old and nearly helpless. He has a small farm, which ı evidence shows is mortgaged for its full value.

I. Boiconet and S. R. Tuttle testify:

We have been acquainted with W. D. Havely for ten years, and know that he has n afflicted with double hernia, and on account thereof has not been able to per- m any manual labor, but has done some work during the time, and we further te that said W. D. Havely is not worth anything financially. He has a small farm, t it is encumbered with mortgages for all it is worth.

William H. Warner and Orios J. Lent testify that they are intimately quainted with the claimant; that he is unable to earn a living by ason of advanced age and feebleness of body, and the further fact at he has a double hernia; that his property is not more than suffi- nt to pay his indebtedness; that he is in every respect a man need- ; and deserving of aid from the Government, having been deprived of ı service of his two sons by reason of their service in the Union Army ing the war of the rebellion. The Pension Department can afford ı no relief because he cannot furnish the required evidence that his was contributing to his support at the time of his death and that was then dependent upon him, though claimant states under oath ; such was the fact. Congress has invariably granted relief in cases his kind where it is shown that the claimant lost a son in the serv- and is now destitute and unable to support himself. Upon this t there can be no question in this case, and your committee there- recommend the passage of the bill.

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2397.

J. W. GOODING.

, 188C.—Committed to the Committee of the Whole House and ordered to be printed.

ORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8205.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R. , granting a pension to J. W. Gooding, submit the following report:

mant was a member of Capt. John W. Blivens's company of Ar- s Rangers, enlisting February 23, 1864, and in May, 1867, filed a ation for pension, alleging that in an engagement with the enemy Kingston, Ark., March, 1864, his hand was penetrated by the ram- his gun, from which wound amputation of the right hand became ary. The organization to which this claimant belonged was never rly mustered into the United States service, but it appears from idence that they were under the direct orders of a United States officer, and were engaged in active service.

Thomas J. Hunt testifies:

well acquainted with Capt. J. W. Blivens, who commanded a company of Ar- Rangers. They were organized and mustered into service as Arkansas Rangers, t into United States service, by order of Maj. Gen. J. M. Schofield, command- artment. Said company rendered valuable service to the United States Gov- t, by doing constant scouting duty in the counties of Madison, Carroll, Newton, Franklin, and Johnson, reporting to Col. LaRue Harrison, colonel commanding etteville.

t. J. W. Blivens testifies:

e 22d of March, 1864, I being in command of the company, near Kingston, e company was engaged in a fight with rebels. The said James W. Gooding, n the line of his duty, being engaged in the fight, while loading his gun, l the end of his ramrod through the palm of his right hand, from which wound d and arm inflamed to such an extent as to render amputation necessary to s life; that the above facts are derived from my personal knowledge of the and cause of the disability.

tain Blivens further testifies that he was at the time acting un- ders from Col. LaRue Harrison, commanding the First Arkansas teers. Himself and company were sworn into the United States e as independent rangers, and were furnished arms, ammunition, tions by the United States Government.

nett K. Henderson, lieutenant of the company, testifies to the acts as Captain Blivens.

tain Blivens further testifies that his company were discharged luty June 11, 1865, by order of the War Department. In 1868 ommissioner of Pensions rejected the case on the ground that

there was no record evidence. It could hardly be expected that a co pany of that kind would keep a careful record of all their casualti It seems to be clearly established that the company were acting und the orders of a military officer of the United States; that the wou was received while in battle, and that he lost his right hand from t effects of it a few days after. It would seem that this soldier was e titled to a pension from the time he received his disability, and it see to have been from no neglect on his part to make the proper applic tion that he has not received it. To place him on the pension-roll no seems but partial justice, but your committee, believing that he is just entitled to this recognition, recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2398.

GEORGE W. PARKS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7736.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7736) to increase the pension of George W. Parks, submit the following report:

Claimant was a member of Company I, Seventh Missouri Cavalry, receiving a gunshot wound in the right leg at the battle of Lone Jack, August 16, 1862, which necessitated the amputation of that limb about 4 or 5 inches below the thigh joint. From this he has been a constant sufferer, the wound never having permanently healed. The examining surgeon, in 1871, reported:

The right leg has been amputated about 6 inches below the hip joint; there is necrosis of the bone and suppuration at times; the stump is swollen all the time, which prevents him from wearing an artificial limb.

The examining board at Kirksville, Mo., report April, 1883:

The thigh, 3 inches above the amputation, is emaciated 4½ inches. There is a scar [illegible] inches in length and 1 inch in width 2 inches below the spine of the ileum, one on the posterior surface of the stump 2 inches in diameter, one on the anterior surface [illegible] inches in diameter. There are three scars on the face of the stump. These scars all have deep cicatrices. The hip joint is anchylosed. The stump is sensitive and painful. There are crustas in the cicatrices of the amputation, showing a constant slight exudation. The stump frequently suppurates profusely. In our opinion he needs an attendant the greater part of the time.

He made application for an increase in the Pension Office, which was rejected on the ground that he did not need the "constant aid and attention of another person." The amputation is below the hip joint, and he cannot therefore receive the specific pension of $37.50 allowed for amputations at that joint. There is no other grade between $30, allowed for total inability to perform manual labor and for amputation of leg above the knee, and $50, where constant aid and attention of another person is required, yet this man's condition is far worse than that of the person who had had a healthy amputation at the hip joint. To add to his misfortunes, he has recently met with a severe accident, by which he will probably lose his other leg, and perhaps his life. The following letters from Judge Ellison, and others, fully set forth the facts:

KIRKSVILLE, MO., *May* 1, 1886.

DEAR COLONEL: I wrote you a week or so since in behalf of George W. Parks, a one-legged soldier, for whom you introduced a special bill for increase of pension. The day before yesterday he was in the butcher shop and took hold of a rocker sausage

cutter weighing over 200 pounds. The machine fell off the block upon him, cutting the stub of his amputated leg and very nearly cutting off the other at the *knee joint*, thus rendering him a helpless cripple all his life.

Owing to his crippled condition (one leg) he was unable to get out of the way of the falling machine, the second accident being the direct result of his former crippled condition, in which he left the Army.

His case is really a pitiable one. Help him if possible. The doctors think he may get well, but doubtful.

Your friend,

ANDREW ELLISON.

Hon. WILLIAM H. HATCH,
Washington, D. C.

KIRKSVILLE, MO., *April* 30, 1886.

Hon. W. H. HATCH, M. C.,
Washington, D. C.:

We, the undersigned, whom you will recognize as your friends, and whom you know, would not ask you to do the least thing that would be an embarrassment to you or to the present Administration, but would do everything to further its strength and usefulness; but desiring justice to be meted out, would ask you to push the claim of G. W. Parks, which has, as we understand, been lately presented to Congress as a special claim. Mr. Parks has been for several years nearly helpless, and has suffered more than we (who are not in same condition) can describe from the stump of his amputated leg, lost at the battle of Lone Jack, and has now met with an accident which will probably lose him his other leg, or deprive him from any or much use of it. Mr. Parks has a large family, and is in much need of assistance, and we, as his neighbors, would petition you to act promptly, for there is no man on the pension-roll of this Government to whom an increased pension could be more deservedly given.

We must love our brave.

Whilst we, during our late civil war, were struggling under different flags for what we thought was right, we must now remember that one flag only is unfurled over this grand country of ours. That Mr. Parks was a brave and true soldier (upon the side of Union) none can gainsay.

To say that he is not an honest and true man would be uttering an untruth, and could not be substantiated by a single person who ever knew him.

Hoping you will take this matter especially in charge, and that Congress will act promptly, and knowing you will be rewarded for every exertion you may give in this matter, we remain, respectfully, your obedient servants,

Andrew Ellison, Robert Clark, W. T. Baird, G. A. Golem, W. F. Morrow, R. M. Rings, P. F. Greenwood, W. D. Oldham, F. A. Grove, G. M. McGuire, D. C. Pierce, Geo. T. Spencer.

W. J. ASHLOCK testifies as follows:

STATE OF MISSOURI,
County of Adair, ss:

In the matter of petition for increase of pension for George W. Parks, late of Company I, Seventh Missouri Cavalry Volunteers.

Personally appeared before me, a county clerk in and for said county, W. J. Ashlock, who upon his oath states, "That I am personally and well acquainted with said George W. Parks, and have been for over twenty-five years, having served with him in the same company and regiment up to the day of the battle of Lone Jack, Mo. (August 16, 1862), where he was wounded in the knee, necessitating amputation of the leg above the knee. It was a bad case of amputation, and he was carried in a wagon or other conveyance the next day over a rough road for 35 miles, and the stitching of the wound was torn loose, and he suffered long and severely. I have also been personally acquainted with said Parks continuously ever since the war, and know that his amputated limb has been a constant source of pain and distress, being a running sore a great portion of the time, which totally unfits him from performing manual labor. Said Parks is a good citizen and in need of help; was a good and brave soldier during his service in the Army, always ready and willing to do his part. I further state, that in consequence of the continual irritation of the stub he is prevented from wearing an artificial limb.

W. J. ASHLOCK.

Subscribed and sworn to before me this the 26th day of April, 1886.

[SEAL.] S. S. McLAUGHLIN,
County Clerk.

his case seems a very strong one. The man lost his limb in battle, suffered terribly since from the result of an imperfect amputation, is now a helpless cripple, the result of an accident, which it is fair resume could have been easily averted if he had not lost his right

our committee recommend the passage of the bill, with an amend-t striking out "fifty," in line 8, and inserting "forty-five."

C

GRESS, } HOUSE OF REPRESENTATIVES. { REPORT
sion. } { No. 2399.

WILLIAM BETHUREN.

85.—Committed to the Committee of the Whole House and ordered to be printed.

ILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1124.]

nittee on Invalid Pensions, to whom was referred the bill (S. ranting a pension to William Bethuren, submit the following

ie claimant enlisted as a private in Company I, Fourteenth Cavalry, August 1, 1863, and was discharged June 25, 1865; ade application for pension June 6, 1878, alleging as the basis im—

Fort Smith, Ark., April, 1864, took measles, and having been detailed from as compelled to lay out-doors. When they came to take him to the hos- s so stiff could not walk on account of taking cold.

aim was rejected by the Commissioner of Pensions on the at the "alleged disability was not incident to the service and ity." The claimant testifies:

r the attack of measles and results therefrom he had a weakness of knees hich has continued ever since; prevents him from lifting any heavy weight lking fast; that if he stoops over, he falls forward; that he walks in a manner; strangers often think he is drunk; that he was doing duty with it at the time he was taken with measles; that by weakness of back and eant what the physicians call Saint Vitus's dance.

nt files affidavit that the physician who attended his family nlistment is dead.

Stout, W. T. Appier, Wellington Burchnell, E. F. Broughton, ph Rickabaugh all testify to claimant's soundness prior to t.

Joseph Rickabaugh testifies that he was on detached duty he time while in the service:

months after claimant's enlistment he was a sound, able-bodied man; saw him; appeared well until he saw him in the hospital at Fort Smith, fall of 1864; is not certain of the year, but thinks it correct as above; nt was absent without leave, if at all, before May 26, 1864, and that he ith measles after that time; knows by records in his possession that he Smith, Ark., May 26, 1864, where he saw claimant well and on duty; that thereafter he saw claimant on duty up to the time he was taken sick with

Appier, comrade, testifies:

mant was sound before entering the service, and continued so until about when he took the measles while on duty at Fort Smith, Ark., and was hospital at that place. Before that he had no trouble with his limbs, bu and stout.

Surgeon Chenowith, Fourteenth Kansas Cavalry, states that his recollection is—

That claimant was sent to the regimental hospital at Fort Smith in spring of 1864 with measles, from which he was returned early in June, 1864, and was treated in regimental hospital for debility until late in summer or early fall, occasionally doing light duty. Does not positively remember his condition; thinks his eyes were sore and vision bad. He was weak, and remained so until regiment was mustered out.

J. B. McKinley, first sergeant, states claimant suffered in June, 1864, from an affection of spine caused by measles. William F. Curry, comrade, testifies to same condition as Sergeant McKinley. Dr. J. W. Trewathy testifies—

That he has known claimant sixteen years (1865 to 1881); been his physician most of that time. When I was first called he had chorea (Saint Vitus's dance); said disability has continued ever since. Disabled at least one-half; never less than one-half, and has grown upon him; believes measles in service the exciting cause.

Eliza Stout testifies to continuance of claimant's disability since service from Saint Vitus's dance.

Dr. Hibben, examining surgeon, March 26, 1881, in his report to the Commissioner of Pensions, says:

The disability is probably permanent. The disability is "locomotio ataxia." His gait is precipitate—staggering—legs hither and thither vaguely, his heels coming down at each step with a stamp; eyes partially closed; hearing impaired. Has a younger brother similarly diseased; knows nothing further as to family predisposition. Rates him one-half total, or $4 per month.

The Emporia board of examining surgeons, under date of February 7, 1883, find substantially as above, and rate him total third grade, or $15 per month.

The Emporia board made an additional examination November 12, 1884, and rated for resulting disability second-grade rating.

Your committee are of the opinion the claimant was an able-bodied man when he entered the service, and that he contracted measles therein; that he was a good soldier and rendered fair service; that he is now a pauper, unable to perform manual labor, an inmate of an almshouse, and that it is their opinion that the spirit of the law covers this class of claimants, and they therefore recommend the passage of the bill.

C

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2400.

REUBEN FARNUM.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 787.]

mmittee on Invalid Pensions, to whom was referred the bill (S. 787) nting a pension to Reuben Farnum, submit the following report:

files in this case show that claimant was drafted into the mili- ervice and served as a private in Company E, Thirteenth Iowa teers. That he had a slight rupture at time of draft which did dis- im is admitted by the claimant; that it was materially increased o cause a permanent disability is also shown. This man was into the service, and while in it received an injury. It would out simple justice that he receive compensation for it. The facts case are fully set forth in the following Senate report, which is ed, and the passage of the bill recommended:

the records in this case show that Reuben Farnum, private of Company E, nth Iowa Volunteers, was drafted into the military service of the United States ber 3, 1864, and was honorably discharged at the expiration of term of service, , 1865.

ration for pension filed January 20, 1871, alleges a fall and consequent rupture, catur, Ala., some time in December, 1864; claim rejected April 14, 1880, on unds "that the alleged disability existed prior to enlistment, according to it's own admission." Claimant's affidavit, dated January 10, 1880, admits the ce of a slight rupture since 1860, and that he has not been able to do ordinary l labor since that time, although he run a saw-mill then, which he could not r the war; that early in the war he attempted to enlist, but was rejected by ing surgeon on account of the rupture; that when he was drafted he called mining surgeon's attention to the hernia, but it was not believed to be suffi- excuse claimant from military duty, and that he did full duty until the date bove.

nant's statement is corroborated by affidavit of Benjamin A. South, a private e company and regiment, who swears to a knowledge of the injury alleged, and did increase the rupture; that he knew claimant did all duty required of him the injury was received, but that afterwards claimant could not wear his car- belt, or do the duty which he had done before, because of the increased rupture. affidavit of P. A. Farnum, wife of claimant, states that claimant had a very rupture before he was drafted, but that when he returned to his home the rupt- s much increased in size; that before he was drafted he supported her by his nd could do work quite well, but that since his return from the Army there en "weeks at a time" when he could not work because of the rupture, and e had often been compelled to work to prevent herself and husband from

avit of Martha Gallagher, dated February 18, 1880, corroborates the foregoing; e affidavit of Francis Farnum, dated February 9, 1880.

affidavit of Samuel Zousey, dated February 18, 1880, corroborates the forego-

ing, and states, further, that he hired claimant to do work for him, but that claimant was unable to do it because of the rupture, and he was compelled to relinquish the job; also that claimant at other times and under favorable circumstances could not do the work assigned him.

The affidavit of Samuel A. Farnum, dated February 9, 1880, corroborates the statement that claimant was much worse after enlistment than before.

Therefore, taking into consideration all the evidence filed, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2401.

WILLIAM REYNOLDS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1304.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1304) granting a pension to William Reynolds, submit the following report:

The records in this case show that claimant was a sergeant in Company H, Forty-first Regiment Missouri Enrolled Militia. That the regiment had been organized under the order of Major-General Halleck requiring the enrollment of all loyal men in Missouri. That the command was stationed at Whitesville, and while performing duty the said William Reynolds was wounded severely in the leg by the accidental discharge of a gun in the hands of a comrade. It is shown that the regiment, though enrolled militia, was held subject to the orders of the commanding officer of the department, and were in the performance of military duty under that command; as the wound was not received in battle, the case cannot be allowed in the Pension Department under paragraph 4693 Revised Statutes. Congress has invariably granted relief in cases of this kind, and your committee therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2402.

JOHN S. KIRKPATRICK.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1797.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1797) granting a pension to John S. Kirkpatrick, submit the following report:

After a careful and thorough investigation of the papers in this case, your committee adopt the following report of the Senate committee, and recommend the passage of the bill:

That the records in this case show that claimant was a private in Company K, First Regiment Colored Volunteers; that he was a sound, strong man when he enlisted. and that during a long, tedious march from Fort Craig to Fort Union, New Mexico, he contracted varicose veins, which have ever since that time prevented him from performing manual labor; that he is sixty-five years of age, and totally unfit for any manual labor. Statement of claimant is corroborated by testimony of comrades and neighbors; also, by certificates of Examining Surgeons L. D. Hall and Max Kennedy, who testify that this is the worst case of varicose veins they ever saw, and rate his disability total therefor.

Taking into consideration all the testimony on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2403.

JOHN G. NICHOLAS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 1618.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1618) granting a pension to John G. Nicholas, submit the following report:

The soldier enlisted August 4, 1862, and was mustered out June 8, 1865. In July, 1877, he made application for pension, alleging that about July, 1864, he contracted kidney disease and piles. The claimant is unable to prove medical treatment in service, but he does show by his officers and comrades that he suffered with both diseases in the service; by physicians and neighbors that he has suffered ever since.

The examining surgeon at Scandia, Kans., September, 1882, says:

> I find very painful bleeding piles; the bleeding is the worst feature, and makes him weak and thin.

The surgeon who examined him at enlistment testifies that he was then sound and free from disease.

Several neighbors and comrades corrobor te this.

It seems to be established that the soldier was free from disease when he enlisted; that he contracted a disability in the service from which he has ever since suffered.

Your committee, therefore, recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2404.

MRS. MARY B. KENNEY.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 701.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 701) granting a pension to Mrs. Mary B. Kenney, submit the following report:

Claimant asks for a pension on the ground that she rendered service during the late war as an Army nurse. There is nothing in the papers submitted to show that she was in any way disabled, nor is it claimed that she did not receive pay for her services while thus employed. No good reason can be adduced why a woman who rendered service in a hospital should be entitled to any more consideration than the soldier who rendered equally valuable service on the battle-field.

Your committee report adversely, and ask that the bill lie on the table.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2405.

HENRIETTE BURNS.

MAY 14, 1886.—Laid on the table and ordered to be printed.

r. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7754.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 7754) to pension Henriette Burns, submit the following report:

The files in this case fail to show that claimant's husband, for whose ath pension is claimed was ever in the military service of the United ates as an enlisted man. It appears that he died of typhoid fever, pril 1, 1864, while a civil employé as examining surgeon of the enroll- board of fifth Congressional district of Missouri. The rule of this nmittee has always been to recommend no bills pensioning civil em- yés unless they were wounded in battle under the command of a ited States Army officer.

Your committee therefore report adversely and ask that the bill lie the table.

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2406.

JOHN GRIFFITH.

MAY 14, 1886.—Laid on the table and ordered to be printed.

r. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7752.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 752) granting a pension to John Griffith, submit the following report:

he evidence submitted in this case fails to show that claimant was r in the military service of the United States. The rule of this com-ee has been to consider no bills granting pensions to civil employés ss it was shown that they received wounds in battle while under orders of an Army officer.

ur committee report adversely and ask that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2407.

SUSAN A. DUNCAN.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6128.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6128) granting a pension to Susan A. Duncan, respectfully submit the following report:

Claimant asks for a pension on the grounds that her husband was a captain in the Twenty-seventh Regiment Missouri Enrolled Militia, and that he died from wounds received in action. The files in the Third Auditor's office show that she received the pay due him up to the time of his discharge, which was October 31, 1864. She alleges that her husband died at Warrensburg, Mo., May 18, 1865, from wounds received at Kingsville, May 7, 1865, in the service. No evidence has been filed showing that he was in the United States service after October 31, 1864. The evidence as to his death is meager and unsatisfactory.

Your committee therefore report adversely, and ask that the bill lie on the table.

O

ı CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ıt Session. } { No. 2408.

T. J. LOCEY.

MAY 14, 1886.—Laid on the table and ordered to be printed.

:OBRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7978.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 78) granting a pension to T. J. Locey, submit the following report:

e files in this case show that it is now pending before the Secre- ıf the Interior on appeal. If it is allowed, claimant will receive s of pension for the disabilities proven to have existed from dis- e up to June 10, 1885, when the examining board of surgeons at Scott, Kans., report no disability. The passage of this bill would claimant no good, as he would receive no pension under it if no ity now exists.

r committee therefore report adversely, and ask that the bill lie table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2409.

RESIN M. GARD.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8154.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8154) granting a pension to Resin M. Gard, submit the following report:

The files in the Pension Office in this case disclose no evidence of any kind showing either incurrence of the disability in service or continuance since. The examining surgeon at McPherson, Kans., under date of May 30, 1882, reports: "From physical examination I could not detect any disease."

Your committee therefore report adversely, and ask that the bill lie on the table.

O

H CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2410.

JOHN H. LASH.

MAY 14, 1886.—Laid on the table and ordered to be printed.

ORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2944.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R. 1) granting a pension to John H. Lash, submit the following report:

find that this case, after having been thoroughly investigated in ension Department, was rejected on the ground that the disability ot incurred in the service. A careful examination of the papers nces the committee that this action of the Department was fully ed by the evidence.

ur committee therefore report adversely, and ask that the bill lie e table.

O

NGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ssion. } { No. 2411.

LEVI H. NARON.

MAY 14, 1886.—Laid on the table and ordered to be printed.

MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 796.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 96) granting a pension to Levi H. Naron, submit the following report:

The files in this case disclose that claimant was a civil employé, act-g as guide and scout; that he received an injury to the knee by his orse falling upon him.

Your committee having adopted the rule to grant no pensions to civil nployés except for wounds received in battle while under command f an Army officer, they can only report adversely, and ask that the bill e on the table.

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2412.

C. W. EKENGREN.

MAY 14, 1886.—Laid on the table and ordered to be printed.

MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7251.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 251) to pension C. W. Ekengren, respectfully submit the following re-rt:

laimant asks a pension for injury to ankle in the spring of 1863 at ingfield, Mo., while a private in Company H, Second Kansas Cav-. The medical examiner at Gardner, Kans., January 24, 1875, re-ed "there is no destruction or displacement of any of the struct-. He tells me he suffers acutely from the injury when walking iderably, but that in his usual business he is not troubled with it." our committee therefore report adversely, and ask that the bill lie he table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2413.

JOHN ZIMMERMAN.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6777.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6777) granting a pension to John Zimmerman, respectfully submit the following report:

The evidence in this case is meager and unsatisfactory, and although claimant is now disabled the evidence fails to show that it was the result of his Army service. Your committee therefore report adversely, and recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2414.

JOHN H. GAUSE.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6131.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6131) granting a pension to John H. Gause, submit the following report:

Claimant asks a pension for the loss of right eye, alleged to be the result of cold, and buck-shot wound in shoulder. There is no record and no other evidence of the incurrence of gunshot wound, and the certificate of disability upon which he was discharged attributes the loss of the eye to causes not connected with the service.

This case, it might be added, is still pending in the Pension Office, and for that reason your committee would not feel at liberty to act upon it even if there was evidence to sustain it.

Your committee therefore report adversely, and ask that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2415.

DANIEL LESTER.

MAY 14, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6799.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6799) granting a pension to Daniel Lester, respectfully submit the following report:

Claimant was a member of Company A, Seventy-sixth Regiment Missouri Enrolled Militia. The evidence submitted in the case fails to show that the disability was incurred in active service, or that claimant was ever under the command of a United States officer.

Your committee therefore report adversely, and recommend that the bill lie on the table.

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2416.

W. J. WOOD.

MAY 14, 1886.—Laid on the table and ordered to be printed.

r. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5611.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 5611) granting a pension to W. J. Wood, submit the following report:

Claimant in his declaration, filed April, 1879, alleges that he con-
cted measles at Burkesville, Ky., about March 10, 1864, resulting in
ease of the lungs, while serving in Company C, Thirteenth Kentucky
valry. The evidence seems conclusive that he had measles as al-
ed, but there is no evidence submitted to your committee to show
t any disability resulted therefrom prior to 1883. The incurrence of
disease having been established, if claimant can show that he has
er since been disabled he would be entitled to a pension from date of
charge, his application having been filed in time.
In the absence of that evidence, your committee report adversely, and
that the bill lie on the table.

ɔNGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ession. } { No. 2417.

JAMES R. BAYLOR.

886.—Committed to the Committee of the Whole House and ordered to be printed.

:OCK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6825.]

ımittee on Invalid Pensions, to whom was referred the bill (H. R. granting a pension to James R. Baylor, submit the following re-

oldier served in Company D, Eighth Regiment Pennsylvania ers, from April 22, 1861, to July 29, 1861, and re-enlisted in y F, Fiftieth Regiment New York Engineers.

ɛges in his declaration for pension that early in October, 1862, ngaged in laying a ponton bridge and carrying timbers for it, ed and fell into one of the boats of the bridge, causing a com- racture of the left ankle joint. The claim failed to secure an ɛe in the Pension Office because of claimant's inability to fur- tain testimony asked of him as to the origin of his disability.

ɔl R. Bois, a sergeant of soldier's company, testifies—

ɔout October 1, 1862, while company was laying a ponton bridge across the River at Harper's Ferry, Va., soldier accidentally slipped and fell inside of causing a fracture of the left ankle joint, disabling him for some time.

· G. Hill, a corporal, also of soldier's company, corroborates the ıt of Sergeant Bois.

are no records of this company on file in the office of the Sur- neral. The soldier states that he was treated for the fracture nkle joint by Dr. Hillery, the regimental surgeon, and Dr. H. ett, the assistant regimental surgeon, from time of receiving ntil in November, 1862, when he was removed to Washington, here he was under medical treatment for six weeks or more; is unable to ascertain, after diligent search and inquiry, the outs of either the surgeon or assistant surgeon who treated him, learned that Dr. Hewett is now dead.

lfred Gale testifies—

ı has seen the soldier almost every day for five or six years, and that he is rom a fracture of the tibula at the ankle joint, the bones of which are in- l that he is unable to do manual labor over one-fourth of the time by reason ıbility.

O. Hoff testifies that he has known the soldier for twelve years, ɔborates the testimony of Dr. Gale.

The soldier, it appears, has been materially incapacitated for v since discharge by reason of his disability.

Your committee, believing that the disability for which soldier cl pension was received in the service and line of duty, and that he been disabled thereby since discharge, recommend the passage of bill, striking out the word "volunteers," at the end of line 7, an serting the word "engineers."

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2418.

THOMAS BROWN.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PIDCOCK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6817.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6817) granting a pension to Thomas Brown, submit the following report:

The soldier was a teamster in Company D, Thirty-first Regiment New Jersey Volunteers. In his application for pension he alleges disability from varicose veins, the result of an injury to his left foot and ankle, received on or about October 1, 1862, by being thrown from a wagon while driving from Capitol Hill to Camp Warren, District of Columbia. The Pension Office rejected the claim because there is no record showing that soldier suffered from varicose veins in service. The soldier's family physician testifies that he was a sound man and was never affected with any disease or disability prior to and at the time of his enlistment into service.

William Parker and Thomas Hoppock, two comrades, testify that the soldier was injured in his left foot by a wagon at or near Camp Warren, District of Columbia, and was laid up for some time.

Lewis L. Ramsey, Joseph Milburn, and John O'Shay, all comrades, testify that the soldier was injured, as alleged, in his left foot and ankle and that the wheels of the wagon from which he was thrown passed over his left foot and ankle. That he was badly hurt and laid up for six weeks in camp.

William Brown, a comrade, testifies that he is not related to the soldier; that soldier fell from his wagon and the wheels passed over his left leg; it was badly injured and he was laid up from said injury six weeks.

Affiant states he was present at the time and was detailed to drive in soldier's place.

The company and regimental books of this company are not on file in the office of either the Adjutant-General or Surgeon-General.

Dr. A. P. Hunt testifies that the veins of the soldier's left leg and foot are badly varicosed, so much so that it must be painful for him to do labor requiring either walking or standing for any length of time.

Dr. B. B. Mathews testifies that the soldier suffers from varicose veins in one of his legs, with weakness of same ankle joint. Many neighbors and employers of the soldier since discharge testify to the existence of

varicose veins of left leg and weakness of the same ankle-joint, and that he is and has been a constant sufferer by reason of the same and largely incapacitated for the performance of manual labor. The examining surgeons who examined soldier report that he has large varicose veins of left leg, which cause pain and stiffness in walking.

Your committee deeming this a meritorious case recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2419.

WILLIAM CONNER.

Y 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

. PIDCOCK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6819.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 819) granting a pension to William Conner, submit the following report:

The soldier, at Malvern Hill, Va., July 2, 1862, was wounded in left ck; at Gettysburg was wounded on shin bone by minie ball, and tracted chronic diarrhea while on a raid under General Grierson at ntgomery, Ala. His pension claim was submitted for admission for onic diarrhea and gunshot wound of left leg and cheek November 1885, but rejected December 23, 1885, because, from opinion of med- referee, no disability in a ratable degree has existed since dis- rge.

John Leonard, captain, James Thurston and John R. Sutton, privates, ing with claimant, testify that he was wounded as alleged and suf- d with chronic diarrhea, as stated, in service continuously for a long e. Thurston, in a letter filed with the case, states he can positively that claimant was taken with chronic diarrhea in the service, and they arrived home. Trenton, N. J., remembers of his going to a tor to get something for his bowels. He used to carry medicine with when his bowels were so bad, and adds that claimant served ough the war and was a good soldier.

Dr. E. C. Willet testifies that he has been acquainted with claimant twenty-five years, and knew him to be a sound man prior to en- ment. About the 1st of August, 1865, he examined claimant and nd that he had chronic diarrhea. He was at that time unfit for ual labor. Affiant prescribed astringent and a course of diet.

W. S. Small, an employer, testifies that in June, 1881, claimant came work for affiant at the mason trade. He worked some three months, d during that time had to quit work two or three times on account of onic diarrhea. He was weak and unable to work and was obliged to home. Affiant also worked with claimant in June and July, 1882, d when he left he was sick with chronic diarrhea, and after a day two was obliged to go home and was hardly able to walk to the boat. the time he worked for affiant, and at other times when not in affi- 's employ, he was not able to work one-half the time.

William Schuyler testifies that claimant and he learned their trade ether, and never knew him to be sick prior to his enlistment; after

discharge in 1865 claimant was sick with chronic diarrhea, and mere skeleton, and remained this way eight or nine months; aft he grew better slowly until 1867 and 1868, when he was able tc some and did for affiant during that time at the mason's trade he was able. He would be troubled with the disease seven or days at a time, and unable to work, but when he did work he wa only one-half price. In 1869 and 1870 he continued about the since that time have seen him about three or four times a ye still complains of same disease, and think he grows worse anc plains of pains in his back.

David E. Tiger, also an employer, testifies that claimant came his employ in January, 1866, and remained until about the 1st of following; that he was troubled with chronic diarrhea, and affian with him to see Dr. Willet, who pronounced the disease chronic rhea; he was generally very weak and only fit for light work, and was obliged to quit work. Reports to the Pension Office show th witnesses who testify enjoy excellent reputations in the neighbor in which they live.

Dr. T. H. Studiford, the examining surgeon, reports:

Wounded in left cheek; the cicatrix is about an nch back and below the c the mouth; wounded in the shin of left leg, outer side, middle third. The d becomes chronic. I find he is somewhat sympathetic over the abdomen, and some tenderness; he often has attacks of diarrhea; he is frequently lame in leg; no trouble in the left cheek. The disability is rated at three-quarters.

The claimant filed no medical testimony except that of Dr. which only covers his soundness at enlistment and treatment for cl diarrhea in 1865. His failure to receive a rating by the medical r in the Pension Office was probably because of this.

Your committee are of the opinion that the testimony of clai employers since discharge is positive evidence of his being di by reason of his disabilities, particularly that of chronic diarrhe tracted in the service and line of duty, and recommend the pass the bill.

ITH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2420.

SALLY A. STONE.

AY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

r. SAWYER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5041.]

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 5041) granting a pension to Sally A. Stone, submit the following report:

Sally A. Stone is the mother of the late Henry M. Stone, lieutenant-olonel of the Third Regiment New York Volunteer Artillery. Lieu-nant-Colonel Stone enlisted in the Third New York Artillery on the th day of May, 1861, and was promoted to the rank of lieutenant-col-el on the 20th day of May, 1863. He died from injuries received in e line of his duties on the 2d day of October, 1864. He left him surviv-g one daughter of a deceased wife, born October 15, 1853; his mother, ally A. Stone, who is now in her eighty-fourth year; and two unmarried sters. The daughter applied through her guardian, and received a nsion at the rate of $30 per month from the date of his decease un-l the death of the daughter, on the 16th day of May, 1869.

The mother, Sally A. Stone, applied subsequently for a pension as a ependent mother, to the Commissioner of Pensions, and her applica-on was denied on the ground that she was not entitled, as the daugh-r was living at the time of the decease of the officer. The mother ow applies for a pension to Congress.

The proof abundantly shows that this old lady, now in her eighty-urth year, is entirely destitute of means, and is dependent upon the sistance of her friends for her living. It is also proved by the affi-avits of three reputable witnesses that for the entire period, from a me three years before the enlistment of Lieutenant-Colonel Stone, own to and through all his service in the Army, and to the day of is death, this faithful soldier and dutiful son contributed the means f support to this mother, who was entirely dependent upon him for er support, she being all this time a widow and destitute of any eans.

Your committee are therefore are of the opinion that this case, which s not within the general law, is still within the spirit of that law, and hat Congress should not turn away this widowed mother, who gave er only son and support to her country, upon the cold charities of the orld during the few years that remain to her.

We therefore recommend the passage of the accompanying bill, with the following amendment: At the end of line 8 add the following: "and to pay her the pension allowed by law to the dependent relatives f deceased soldiers."

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2421.

GEORGE W. CUTLER.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

WYER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3551.]

mmittee on Invalid Pensions, to whom was referred the bill (H. R.) granting a pension to George W. Cutler, submit the following re- :

rge W. Cutler enlisted as a private in Company B, Ninth New shire Volunteers, and was mustered in on the 28th day of May, and received a discharge from that company on the 22d day of 1863. On the 14th day of July, 1865, he filed an application for sion, alleging that in June, 1863, he was injured while loading ssary stores at Newport News, by straining and overexertion, resulted in spitting of blood, injury of the lungs, and heart dis- He was unable, however, to obtain corroborating evidence of single witness of the incurrence of this disability, and his claim omptly rejected on this ground.

was subsequently, on the 2d day of April, 1867, mustered into the second United States Infantry, Company F, where he served he 29th day of March, 1869, when he was finally discharged on t of his disabilities.

he 20th day of March, 1879, he filed an additional declaration, in he stated that he was sound at the time of his enlistment, and ver had any physician up to that date, and had never had any e of the heart; that he was discharged from the service on ac- of the injuries he had received at the battle of Fredericksburg, ember, 1862, and that he had been in charge of a physician most time since his discharge. On the 30th of June, in the same year, tified that he was hit by a minie ball in the battle at Fredericks- on the 13th of December, 1862, that he fell down a railroad em- ent, and was trampled upon by the men, from the effects of which ls and fall he has suffered frequent hemorrhages from the rectum e nose, and has been treated for the same by Dr. C. H. McFarland hers. He also shows that he was treated at the time in the regi- l hospital, until he was removed to the "West Building," in Bal- , Md.

records of the War Department, while they show him frequently in hospital," present no diagnosis of his disease. We present as they are furnished the Pension Office by the Adjutant-Gen-

From the muster-rolls of Company B, Ninth New Hampshire Volunteers, George W. Cutler, from muster to February 28, 1863, "present for duty"; March, April, May, and June, 1863, "absent, sick in hospital at Baltimore, Md."; June 22, 1863, "discharged for disability at United States general hospital."

From the muster-rolls Company F, Forty-second United States Infantry, May, 1867, to February 9, 1868, "present, sick in company quarters"; March to October 31, 1868, "sick in post hospital"; November, 1868, to February 28, 1869, "sick in company quarters"; "discharged March 29, 1869, on surgeon's certificate of disability."

From the Surgeon-General: George W. Cutler admitted to West Building, Baltimore, Md., April 26, 1863, "diagnosis not recorded. No record Ninth New Hampshire Volunteers on file." Discharged June 20, 1863. "Scrofulous ulceration of the tibia and fibula of right leg; loss of sight of left eye."

March 29, 1869, discharged from Forty-second Regiment United States Infantry. "He is unfit for active military service by reason of being subject to bleeding at the lungs. He was wounded while in the line of his duty in the United States Army, at Fredericksburg, Va., December 13, 1862." Physician's certificate attached, "A hemorrhagic diathesis; complete disability."

The fact that Cutler was a sound and strong man at the time of his enlistment is established by the evidence of several witnesses, two of whom worked with him every day for two years just prior to the enlistment, and testify that he was in perfect health.

To establish the fact of the incurrence of the disability in the line of duty, two comrades testify that on the 13th day of December, 1862, at the battle of Fredericksburg, while making a charge across a railroad embankment, Cutler fell with an embankment that gave way, and was trampled upon by some troops that came up in the rear, and one of them, Henry N. Howe, says that he found him bleeding, and helped him up and got him to the hospital. Neither of them examined him to see what his wounds were.

Lieut. W. N. Haraden testifies that about the 2d day of March, 1863, Cutler strained himself in lifting Army stores, and suffered injury to his lungs and heart.

Of the three surgeons who were with his regiment at different times, two did not remember him, and the third did not remember what he was in the hospital for, or what was the cause of his injuries.

That Private Cutler, since and at the time of his discharge from the Army, has become a physical wreck is proved by the testimony of many surgeons.

Dr. R. J. Plummer Goodwin testifies that he examined him July 14, 1865, and found hypertrophy of the left ventricle of the heart; disability then one half.

Lieutenant Haraden testifies that in July, 1865, at the time of his discharge, Cutler was affected with a heart trouble, general debility, and affection of the throat and lungs.

United States Examining Surgeon A. S. Coe says that in 1866 and 1867 he was prostrated with attacks of hemorrhage from the nose and bowels; that he has a gunshot wound of lower left jaw midway between angle and chin; that there is a loss of three teeth, with some of the bone of the jaw; and that he complains of pain in the chest. Examining him December 29, 1877, he says:

He is pale and anemic; pulse moderately full, but easily compressed, indicating ut of tone to arterial walls; heart's action regular, but there is a distinct mur-

ith the first sound; the second sound is perfect. Diagnosis obscure, but I
here is obstruction to the return of venous blood to the right side of the heart.
ubject to frequent attacks of epistaxis, varying in amount from an ounce to a
Attacks hastened by exertion. He is now confined to his bed, and has been
perform but little labor for the last three years. I can find no disease of the
but he complains of some pain in the left chest, and respiration at times is dif-
He has recently lost a large amount of blood by epistaxis.

Carrington McFarlan, who attended as contract surgeon at Fort
io in 1868–'69, and examined him in 1879, and had him in charge
ervals in the mean time, substantiates what Dr. Coe says.
examining board at Syracuse, N. Y., February 11, 1880, say:

ound of face; no disease of heart or lungs. He alleges an injury of face and
ide from a fall across a railroad track, and that he has suffered frequent seri-
istaxis from the same; also rectal hemorrhage; this may all be true, but aside
is pallor we can find no disability. He says that he loses some blood nearly
lay.

uary 24, 1883, the same board say:

in, pale, anemic man. He alleges frequent loss of enormous quantities of
from nose and rectum; passive hemorrhages, sometimes as often as once in two
His appearance would seem to confirm his statements. Nothing to be seen
ks of the injury.
as a gunshot wound of left lower jaw, causing fracture, and loss of three lower
eeth, back of the canine tooth on lower jaw; cannot open the mouth; cannot
de the tongue. Disability is obvious from wound, with deformity and scar at
of the mouth.

Pension Office, July 21, 1883, adhere to the early rejection of the
on the ground "that he was discharged from the service for a dif-
t disease than claimed in his application, and he alleges inability
nish additional evidence covering the period of service and at dis-
e."
ur committee think that it fully appears that Cutler was sound
he entered the service; that the injuries that it is proved he re-
d in the line of his duty are an adequate cause for his subsequent
ility, and that this is the natural result from such injuries.
therefore recommend the passage of the accompanying bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2422.

WILLIAM H. GRAY.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 165.]

The Committee on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, make the following report:

That they have examined the same and have adopted the report of the Committee on Claims in the Senate as their own, and report said bill back to the House, and recommend that it do pass without amendment, which report of the Senate is as follows:

[Senate Report No. 97, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, having considered the same, submit the following report:

That the Commissioner of Internal Revenue, under the date of December 21, 1866, directed R. M. Kelley, collector of internal revenue for the seventh district of Kentucky, to make an examination of the distilleries in said district, and if he could not perform the duty in person to send a competent and trustworthy deputy. Under these instructions he appointed the claimant to make the examination and report. The claimant did make the examination in a manner satisfactory to Mr. Kelley and the Government, visiting and examining one hundred and five distilleries, which occupied him from December 28, 1866, to February 16, 1867, a period of fifty-one days. The money actually expended by him for necessary expenses amounted to $444.25; his compensation $204, which account was approved by Collector Kelley.

After having completed the examination, the claimant made a full report to Mr. Kelley and the Commissioner of Internal Revenue, both of whom stated that the work was done satisfactorily. Mr. Kelley told him to make up his account and he would approve it and the Commissioner pay it. Some time later the claimant did make out his account, presented it to Mr. Kelley, who approved it, and then he forwarded it to the Commissioner. The Commissioner returned it with a blank form, saying that when it was made out according to this form it would be paid. The claimant made it out accordingly and forwarded it again to the Commissioner, in whose Bureau it remained till 1875 before he received any definite answer about it. Then he was informed that his claim was rejected on the ground that Mr. Kelley should have paid him from his own compensation, according to section 3148 United States Revised Statutes, which provides that—

"Each collector shall be authorized to appoint * * * as many deputies as he may think proper, to be by him compensated for their services."

Mr. Gray appealed from this ruling, and in a later consideration of the case by the Revenue Bureau it was held that Mr. Kelley was paid for such special work by special allowances under the provisions of section 3145 of the United States Revised Statutes, which reads:

"The Secretary of the Treasury may make such further allowances from time to time as may be reasonable in cases where, by reason of the territorial extent of the district or the amount of internal taxes collected, or other circumstances, it may seem meet to make such allowances."

It was further held that he should have submitted Mr. Gray's account in hi mates for additional allowances to the Treasury Department, and because Mr. (account did not come to the Department in that way it was not allowed; an ther, that the act of February 8, 1875, providing that "no such allowance sh made except within one year after such services are performed," left the Depar no means then of paying the claim.

It was also stated that the claim should be paid, but that it could not be w further legislation.

It is plainly established that Mr. Kelley did not submit Mr. Gray's account Department in his own because he did not know but that it was just as corr Mr. Gray to submit his account direct to the Department as it would be fo (Kelley) to send it in with his.

Secretary Bristow, in a letter to the claimant, said:

"While the Department recognizes the justice of compensating you for your ser there is at this time no appropriation available for that purpose, and Congress pass a special act for your relief before any allowance can be made to you."

In Senate Report 918 of the first session of the Forty-eighth Congress, made l Sheffield, of the Committee on Claims, section 3145 of the United States R Statutes is confounded with section 3148. The latter section does provide th lectors shall pay deputies out of their own compensations. But section 3145 pr that extra allowances may be made to collectors in certain cases where it may necessary, and the Revenue Bureau, in its last consideration of the case, finds t was under this section Gray was employed and would have been paid had it not for the mistake in the *manner* of the presentation of his account.

It is evident to your committee that Mr. Gray was properly and regularly empl that he did his work in a manner satisfactory to all concerned; that the amo the compensation he asks is reasonable; that it has not been paid him beca came to the Department directly from him instead of through Mr. Kelley.

It is undisputed that the Government received the benefit of his labors and exp tures, and your committee are of the opinion that the claimant should be paid therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2423.

MORGAN RAWLS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LANHAM, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4451.]

The Committee on Claims, to whom was referred the bill (H. R. 4451) for the relief of Morgan Rawls, respectfully report back the same, and recommend that it do pass.

The following report from the Committee on Claims in 1882 is made part hereof, to which reference is made for the facts:

[House Report No. 104, Forty-seventh Congress first session.]

The Committee on Claims, to whom was referred the bill (H. R. 2136) for the relief of Morgan Rawls, have had the same under consideration, and submit the following report:

During the late war a number of buildings were erected by the Confederate authorities, for hospitals and quartermaster and commissary stores, at the village of Guyton, State of Georgia. Standing between and near these buildings was a small unoccupied dwelling-house belonging to Morgan Rawls, of the value of $800, not estimating the ground on which it stood. In the fall of 1865, during the absence of said Rawls while in attendance upon the constitutional convention of said State and as a member of said convention, and after he had taken the oath known as the "amnesty oath," a detail of United States soldiers was sent to Guyton, by the United States military authorities, from Savannah, with instructions to take down and remove said Confederate buildings to Savannah, the materials to be used in the construction of school-houses for freedmen. In executing said instructions said soldiers destroyed, by mistake, said house belonging to Rawls. Said Rawls endeavored to obtain from the military authorities at Savannah compensation for his loss, but was never paid. A bill similar to this, for his relief, was introduced in the Forty-third Congress, and also in the Forty-fourth Congress, but no report was made in either Congress upon the bill.

The committee report the bill back, with the recommendation that it pass.

O

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2424.

JOHN R. TREUTLEN.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

NHAM, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8759.]

Committee on Claims, to whom was referred the bill (H. R. 8759) relief of John R. Treutlen, report back the same, and recom- hat it do pass.

he facts on which the claim is based the following report from the ttee on Claims in the Forty-eighth Congress is hereby adopted :

[House Report No. 2422, Forty-eighth Congress, second session.]

mittee on Claims, to whom was referred the claim of John R. Treutlen, beg leave to submit the following report :

ve examined into the merits of the claim of John R. Treutlen for additional ation for services rendered while an employé of the House of Representatives, that he was faithful and efficient, and did perform the duties of messenger 7th day of April, 1881, to the 17th day of December, 1881; and that he only the pay of a laborer during the period of his service; and that Adam Reis- ho was his predecessor, was allowed, and did receive, upon application, from se of Representatives, the same additional compensation for the same serv- dered in the Forty-sixth Congress, payment being provided for in the defi- ppropriation bill for the fiscal year ending June 30, 1881; and also that Fred- . Steigleman was paid $116.65 by the present Forty-eighth Congress, being rence between his salary and that of a messenger at $1,200 per annum, from 1883, to February 1, 1884, provision being made for his payment in the sundry propriation bill for the fiscal year ending June 30, 1885.

ommittee on Claims, therefore, report the same back to the House, with the endation that the same be referred to the Committee on Appropriations, with that said committee make provision for the payment of the same in one of ropriation bills; namely, $333.33—which amount the Committee on Accounts recommended be paid, and sent to Appropriations Committee, but was re- by said committee after all the bills were reported, and too late for action.

'H CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2425.

J. R. McGOLDRICK.

r 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 960.]

e Committee on Claims, to whom was referred the bill (H. R. 960) for the relief of J. R. McGoldrick, having fully considered the same, submit the following report:

The claimant, J. R. Goldrick, was postmaster at Coushatta, La. That September 28, 1883, Mr. Goldrick mailed $77 of money-order nds to the postmaster at Shreveport. This remittance was in curncy, and was stolen by the mail carrier, one Scott Mosley, who was terwards arrested and convicted. The committee are satisfied that the oney was mailed as claimed by Mr. Goldrick, and that the same was olen by said Mosley; that it was the duty of said Goldrick to transit this money to the postmaster at Shreveport. The Postmaster-Genal refused to allow this claim for the simple reason that the postmaster, r. Goldrick, did not have a witness present at the time the package ntaining said sum of $77 was securely locked in the mail-pouch and as taken from the post-office out of the postmaster's possession by e mail carrier. (Sec. 1099, P. L. and R., 1879.) The failure of the ostmaster, Mr. Goldrick, to comply with this regulation, that is, to ave a witness present, under the ruling of the Postmaster-General eprived the Department of the power to make the allowance.

The committee entertain no doubt as to the loss, the honesty of the ostmaster, and that the loss was not caused by any negligence on the part of Mr. Goldrick, and therefore recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2426

LOTT S. BAYLESS.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4973.]

The Committee on Claims, to whom was referred the bill (H. R. 4973) for the relief of Lott S. Bayless, having considered the same, submit the following report.

The claimant, Lott S. Bayless, in fourth quarter of 1880, made certain small purchases for the use of the United States land office at Yankton, the said Bayless having the articles in good faith and they were needed for the office. The aggregate amount of such purchases was $47, as shown by report to the Department of the Interior. It seems before the account of Mr. Bayless was presented for payment all moneys appropriated for such purposes had been covered into the Treasury, and he was compelled to come to Congress to obtain this small amount.

The committee recommend that the bill do pass.

O

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2427.

L. J. WORDEN.

, 1886. —Committed to the Committee of the Whole House and ordered to be printed.

ARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8760.]

ommittee on Claims, to whom was referred the bill (H. R. 720) for elief of L. J. Worden, having considered the same, submit the follow- eport:

ntroduced the bill contemplates the appropriation of the sum of .79 to reimburse Mr. Worden for expenditures made by him for ire and for rent and light and fuel in excess of the authorized nces therefor during the period from July 1, 1882, to June 30, 1885, nce its introduction the Postmaster-General has allowed $744.04 claim, and it is understood that an additional credit of $160.75 e given Mr. Worden through the correction of errors, &c., thus ng the claim to $625.

credits thus allowed and to be allowed Mr. Worden relate to the years 1884 and 1885, and the amount, $625, still suspending re- o the fiscal year 1883, which the Postmaster-General, in a letter to ommittee, dated April 7, 1886, says "was not considered by the tment, as there is no fund at its disposal out of which an allow- ould be made to reimburse Mr. Worden."

Postmaster-General incloses with this letter a tabulated state- howing the status of the post-office at Lawrence, Kans., for the named in the bill, viz, from July 1, 1882, to June 30, 1885.

statement, among other things, shows:

That the credits already given Mr. Worden for salary and allow- luring the fiscal year 1883 leaves unexpended a surplus of box nd commissions for that year of about $1,850. Section 3860 of vised Statutes provides that allowances for expenses at the post- of the class (second) to which Lawrence, Kans., at this time be- should be made "out of the surplus revenues of their respective that is to say, the excess of box rents and commissions over and salary assigned to the office."

That the allowance of the $625 still suspended for the fiscal year ould be made without increasing the ratio of expenses to the re- for that year beyond that allowed for subsequent periods at the ice office and the other offices of the same class and character.

committee also find that it is, and has been for many years, a n practice in the Post-Office Department to make additional al- es to postmasters of the first and second classes for office expenses e expiration of the period on account of which they were made,

and it will be observed that the Postmaster-General has done so in very case, the discretion of the Postmaster-General in this regard b limited only by the appropriations therefor and the amount of box r and commissions accruing at said office.

Under date of May 5, 1886, Hon. A. E. Stevenson, in response letter from your committee, states that during the fiscal year 1883 Worden frequently made application to the Department for an incr for clerk hire in his office, but the same was declined "on accou the limited appropriation." Mr. Stevenson further states in same munication that "the surplus box rents and commissions of the I rence post-office for the fiscal year ending June 30, 1883, would l warranted an increase of the allowance for clerk hire, and it is prob that an increase would have been granted if the appropriation a cable for the purpose at the time would have warranted it." Your mittee regard this statement as equivalent to a suggestion that vision for the $625 be made, and, believing that the expenditure actually and necessarily incurred, and that in his administration o Lawrence, Kans., post-office Mr. Worden acted in good faith and the best interests of the postal service, your committee recommend Mr. Worden be paid the $625 aforesaid. They also recommend that bill (H. R. 720) do lie upon the table, and that the substitute here returned do pass.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2428.

FRANK SHUTT.

AY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

r. SPRINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8297.]

he Committee on Claims, to whom was referred the bill (H. R. 8297) for the relief of Frank Shutt, who is postmaster at Litchfield, Ill., make the following report:

That during the night of November 11, 1885, the post-office at Litchfield, was broken open by burglars, and the safe, in which was kept tamps and Government funds, was broken open and rifled of its contents.

The report of Mr. Bryant, Assistant Attorney-General, Post-Office Department, gives the particulars of the burglary and robbery, and is hereto attached and made a part of this report.

From this report it is manifest that Mr. Shutt used all the precautions n his power to protect the Government property in his possession. He as received credit from the Department for the stamps and money-rder funds lost. The loss of $114.40 of postal funds and $79 key-leposit funds, the Department could not, under the law, give him redit for.

The committee are of opinion that Mr. Shutt is entitled to have the oss of postal finds, &c., refunded to him. They therefore report back he bill with an amendment filling the blank in line 5 with $193.45, and ecommend that the bill do pass.

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., ———, 188–.

itchfield, Montgomery County, Illinois. Frank Shutt, postmaster, claims a credit of $104.11 for money-order funds and $782.24 for postage stamps, &c., lost by burglary, November 10, 1885.

EVIDENCE.

(1) The affidavit and petition of the claimant is of date November 23, 1885, and sets orth that, at some time between 11 o'clock p. m., November 10, and the morning of lovember 11, 1884, he sustained a loss of postage stamps, stamped envelopes, newsaper wrappers, postal cards, and money-order funds, resulting from burglary, and rithout fault or negligence on his part; that, to the best of his knowledge and belief, he value of the postage stamps, &c., so lost, is $782.24; that at the same time and in he same manner, he sustained a loss of money-order funds to the amount of $104.11; hat after said loss occurred, there were in his possession postage stamps, stamped

[illegible]

[illegible] and the trays [illegible]

[illegible] of a few that [illegible]

[illegible] $104.11

[illegible] were taken [illegible]

[illegible] of the stan[illegible]

[illegible] Deduct[illegible]

[illegible] the followin[illegible]

[illegible] than is clai[illegible]

[illegible] that the an[illegible]

[illegible] by the pos[illegible]

[illegible] 31, 1955, by B. [illegible]

[illegible] kept in a small [illegible]

[illegible] an easy matter

on money-vault was broken loose from the inside of the safe, and was found, ;ith a large sledge hammer, about 100 feet north of the post-office, open, and ıts taken.

ı box kept in the safe, and used to keep stamps in, was found on the floor ıing open and empty.

rther particulars, your attention is respectfully invited to the affidavit of aster and his assistant, marked Exhibit A, and filed with the papers in this 'aper marked 3 in this memorandum.)

ferring at some length to the arrest and examination of certain persons charged with the commission of the burglary, the inspector says:

that two mail trains pass Litchfield, Ills., in the afternoon; one at 3.30 p. ıe at 5.40 p. m.; and the postmaster has been in the habit of making his re- on the 3.30 p. m. mail train, and continues to issue money-orders until 6 m., leaving a surplus of money-order funds on hand over night from $1 to sometimes more.

ɔears that on the night of the robbery he had in his possession unpaid ler advices, which had been in his possession less that two weeks, amount-

) appears that up to 3 o'clock p. m., November 10, he had not received, for lers issued, any more than was required to pay said advices on hand; so : make any remittance on that day.

amination of record of money-orders issued, I find that after the 3.30 mail d before the close of business that evening, he issued money-orders amount- ;.11, making the amount of money-order funds on hand the night of the .04.11.

ason he remits on the first mail train, he says, is because the banks close , and he would be unable to get large bills after that hour. * * *

the character and standing of the postmaster to be good in all respects.

ı careful investigation of this case, I feel that this loss was not incurred ıence of any negligence or carelessness on the part of the postmaster; for ly placing within the safe in his office the postage-stamps and Government is possession, the postmaster, without doubt, gave the Government property st security in his power.

efore recommend that credit be allowed him for $820.24, the value of the ıen, and money-order funds on hand equal to the amount of his unpaid ad- ıe night of the robbery; also that credit be allowed him for $66.11, money- s over and above the amount required to pay advices in his possession less weeks old, because section 1081, Postal Laws and Regulations, 1879, requires ıer accounts to be adjusted at the close of each day's business, in order that :e of money-order funds on hand be accurately ascertained.

last mail train passes Litchfield at 5.40 p. m., and the postmaster could not y ascertain the balance of money-order funds on hand,' 6 o'clock being the osing business at the post office; making a total of $886.35, the amount of amps, postage-due stamps and money-order funds stolen on the night of 10, 1885, for which credit should be allowed him."

OPINION.

;e loss in this case seems to be clearly proved, both by the affidavits and the ı report. The money and stamps were kept in a safe of unusual strength and The money-order funds were properly in hand. The loss in stamps is less stimates of the Third Assistant would make it. I am therefore compelled allowance, but respectfully suggest that the Postmaster-General peruse the e acting on the claim.

E. E. BRYANT,
Assistant Attorney-General, Post-Office Department.

ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2429.

THOMAS SMITH.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

PRINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R 5343.]

ommittee on Claims, to whom was referred the bill (H. R. 5343) for the relief of Thomas Smith, submit the following report:

ppears that the soldier enlisted as a private in Company G, Sec- ew York Mounted Rifles, and at Petersburg, on June 16, 1864, verely wounded in battle, removed from the field to hospital, and, two weeks of languishing, died.

mother of the soldier, Margaret Smith, applied for a pension on ound of dependence. It was allowed her at the rate of $8 per , to commence on the 2d day of July, 1864, the day of her son's in the Army. The certificate (numbered 219004) was dated De- r 21, 1885, and was forwarded to the pension agent at New York ut did not reach that agent until December 31. On the 9th of ry, 1886, the pension agent at New York mailed the vouchers to the nt, who resided at Monticello, Sullivan County, New York. They oo late, however, for her signature. She had been buried three having died on the 4th of January.

in evidence that Thomas Smith, the father of the soldier, is near years of age, in very destitute circumstances, and partially para-

This bill proposes to give to the father the pension allowed to ther, and which she would have received before her death had it en for the delay of three weeks in forwarding the vouchers.

ill be remembered that the statute gives precedence to the mother ing claim for a pension for the loss of a son; and if there be no r, then to the father. That the father in this case was equally de- t upon the son is established by the fact of the mother's claim been favorably adjudicated.

he money appropriated by this bill will not go to creditors nor t relatives, but to the father of the brave boy who gave up his life battle-field in defense of his country, your committee recommend e bill do pass.

C

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2430.

H. C. WILKEY.

AY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Ir. SPRINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 6046.]

The Committee on Claims, to whom was referred the bill (H. R. 6046) for the relief of H. C. Wilkey, submit the following report:

H. C. Wilkey was postmaster at Columbus, Ky., in 1882, and on the night of June 7, 1882, his office was broken open and the safe in which he kept the stamps, money, &c., belonging to the Government, was blown open and rifled of its contents, amounting to $250 in postage stamps, one check purchased by him with Government funds on assistant United States treasurer at New York for the sum of $508.10, and the sum of $307.87 in money furnished by the Post-Office Department for paying postal clerks on the Mobile and Ohio Railroad, of which Columbus was the terminus. The Post-Office Department has given Mr. Wilkey credit by the amount of the stamps stolen and the check has been duplicated, but the Department claims that it has no power under existing law to give credit for the money stolen. Mr. Wilkey has paid to the Department the full amount of the $307.87, and his accounts with the Department are now settled in full. We deem it unjust that Mr. Wilkey should be made to suffer this loss from the fact that it occurred by no fault or neglect of his, and through his efforts the burglars were arrested, tried, and punished for the crime. We therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2431.

MARTIN MURPHY AND P. B. MURPHY.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MCKENNA, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 22.]

The Committee on Claims, to which was referred the bill (S. 22) for the relief of Martin and P. B. Murphy, has considered the same, and report as follows:

That the claim in said bill is contained in House bill 190, and was reported favorable after due consideration. The committee therefore recommends the passage of the bill with the following amendment: Strike out the words "with interest at the rate of four per cent. per annum from the eighteenth day of April, eighteen hundred and eighty-one," in lines 3, 4, and 5.

O

: CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
rt Session. } { No. 2432.

SELMA AND MERIDIAN RAILROAD COMPANY.

14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

SHAW, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4423.]

Committee on Claims, to whom was referred the bill (H. R. 4423) for e relief of the Selma and Meridian Railroad Company, respectfully port:

ıis is a claim of the Selma and Meridian Railroad Company for ying the mails over its roads daily between Selma, Ala., and Merid- Miss., a distance of 107 miles, from the 20th day of May, 1865, to il 1, 1866—ten and one-third months, at the rate of $75 per mile, or 25 per annum—amounting to $6,910.42, on which a payment of 12.42 has been made, leaving a balance due of $3,898.

ıis service was rendered under the military authorities and prior to time when the Postmaster-General took possession of the postal ice on this route. The claim was presented to the Quartermaster- eral by the general superintendent of the road on the 25th day of , 1867, but owing to some uncertainty in that officer's mind as to ther the mail was carried daily, a tri-weekly allowance was made ıe rate of $50 per mile.

addition to the evidence that was before the Quartermaster-Gen- showing that the mails were carried daily, the company now pre- the testimony of two members of this House as to this fact.

ıe Hon. A. L. Davidson lived within a quarter of a mile of the de- of this road at Bellview, Ala., and had every opportunity of know- the facts in the case, and the Hon. J. T. Jones, resided at Demopo- Ala., at the time named and was a practicing attorney and received nails daily by this road during this period. Had any interruption ıe daily mail occurred it would have attracted his attention.

ıe rate charged, $75 per mile, or $8,025 per annum, appears to your mittee to be a reasonable compensation for this service, and is the e fixed and paid by the Postmaster-General for the same service ediately following the period charged for in this claim, as appears he following order:

[May 25, 1867, route No. 7003 *a*, Alabama, Selma and Meridian Railroad Company.]

ognize service of the Selma and Meridian Railroad Company in conveying the on this route from April 1 to June 30, 1866, at the rate of $8,025 per annum, and to the Auditor to adjust and place the amount found due at the Treasury to the t of the Quartermaster's Department. [The road being at that time indebted to Department for rolling stock, &c., purchased from it.]

This order also recognizes that the road had been carrying a daily mail, as well as fixes the value of such service.

Your committee being satisfied from the evidence that this road rendered the service charged for, and that the rate, as fixed by the Postmaster-General for the service, was reasonable and just, do recommend the passage of the bill with an amendment, striking out $3,942.50, and inserting in lieu thereof the sum of $3,898.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2433.

NICHOLAS WHITE.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. J. T. JOHNSTON, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 5133.]

The Committee on War Claims, to whom was referred the bill (H. R. 5133) for the relief of Nicholas White, have had the same under consideration, and beg leave to submit the following report:

This is a claim for the use of certain real estate by the United States military authority at Newport News, Va., from October, 1863, to January, 1866, said property belonging to said White, and was used by the United States for hospital purposes and for headquarters for officers.

This property was situated in what was termed a State in rebellion, and the Government would not be liable for said use and occupation if the facts do not take the case out of the rule.

In 1861 Capt. William Webster, a loyal citizen, and resident of New York, was the owner of a steam vessel, and engaged in the carrying trade, and transported supplies for the Government to Newport News in 1861. After he had landed his cargo he sold his vessel to the Government to be used as a transport, and entered into business at Newport News as a sutler and in the sale of military stores and supplies, under a permit issued by the military authorities, and in pursuance of that authority he leased a piece of real estate for the term of five years, and erected costly buildings thereon.

In 1863 the said Webster sold and transferred all of said property to said White, whereupon the military authorities grant him a permit to continue business at said Newport News. These facts, the committee think, should take it out of the rule. The said White, immediately upon his said purchase, proceeded to repair one of said buildings and to build additions thereto for the purpose of running a hotel and dining hall, there being a great demand for a hotel and dining hall there at that time. In connection therewith he erected a dwelling house for his own use. In October, 1863, the Government took possession of said property, to be used as aforesaid, under a contract of rental, as White claims in his sworn statement, of $3,500 per year. He also claims, and the evidence shows, that he had placed some personal property and furniture in said building that the Government took possession of under a promise of payment; but the exact amount or the value thereof the committee are unable from the evidence to determine.

Early in 1865 the said White demanded possession of his said property; but the authorities demanded an inspection of his title deeds,

and, as he had no deeds and was ignorant of his rights, he submitte to the further occupation of his property, the Government continuing t occupy it for the aforesaid purposes until in January, 1866, making continued occupancy for about two years and three months.

The claimant is a Greek, and came to the United States and took u his abode in New York in 1858, and was residing there when the wa broke out. In 1859 he entered the employ of said Captain Webster, a mate of his vessel, and so continued until the sale of the same by sai Webster. Said White could speak the English language but very im perfectly. The record shows that at the time the Government so use and occupied his property he was not a citizen of the United States He was naturalized in 1869 in the District of Columbia. As to his loy alty there can be but little doubt. Captain Webster, his old employer swears to the fact; and his permit to trade at the post and to pass in and out of the lines should be conclusive on that point. Considering that fact, that he was a loyal foreigner and the Government had invited him there to do business, we think it but fair that he should be fairly dealt by.

The claim is filed for $8,166.16. At the rental value of $3,500 per year it would amount to $7,875, saying nothing about damage or destruction of personal property. The evidence of the witnesses shows that property at that place was in great demand at that time, and rented readily and at fabulous prices.

Your committee are of the opinion that under all the circumstances the property used was of the probable rental value of $2,500 per year, including use of personal property and all damages done. They therefore report in favor of allowing the claimant's claim for $5,625.

Your committee therefore recommend that the bill be amended by striking out the words "eight thousand," in the ninth line, and inserting in lieu thereof the words "five thousand six hundred and twenty-five," and when so amended, the same do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2434.

JAMES E. O'SHEA.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEECE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 327.]

The Committee on Invalid Pensions, to whom was referred Senate bill 327, submit the following report:

They have examined said bill and the evidence pertaining thereto, and they hereby adopt Senate report thereon, which report is in words and figures as follows:

[Senate Report No. 607, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 327) granting a pension to James E. O'Shea, have examined the same, and report:

The committee ascertain from the record report that this claimant enlisted in April, 1861, and was discharged in October, 1864. He asks to be pensioned for disability, occasioned by a gunshot wound in the leg, which was disallowed on the ground of want of evidence that he received the wound in the line of duty. The examining surgeon finds the wound, and describes the entrance and exit of the ball; also a wound or scar in the head, and the nearly total loss of sight of one eye. The report of the Surgeon-General shows that the soldier was in hospital more than once, but the record does not give the cause for which he was treated. The Adjutant-General's report shows that the man was under discipline for some irregularities, but, notwithstanding this and the lack of the required proof that he was wounded in the line of duty, the committee are of the opinion that, situated as he was, he was very liable to, and very probably did, receive the wound from which he has suffered and is still suffering.

The fact that the records of the War Department are often imperfect works great hardship to men who apply for pensions, and where there is reasonable proof to substantiate a claim the committee are of the opinion that the absence of record testimony should not deprive him of relief.

Inasmuch as there is proof that the soldier received the wound, and that he is badly disabled from it and other causes shown by the medical examiners, and that he is old and destitute, the bill is reported favorably, with a recommendation that it do pass.

Your committee therefore recommend the passage of said bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2435.

A. P. JACKSON.

MAY 14, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. VAN EATON, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 8761.]

The Committee on Public Lands, to whom was referred bill H. R. 3240, have had the same under consideration, and make the following report:

The private land claim in California known as the Tolenos Rancho, the same as named in H. R. 3240, was presented to the Board of Private Land Claim Commissioners appointed under act of Congress approved March 3, 1851 (Stat. L., vol. 9, p. 631), and was by it rejected on title. On appeal to the United States district court for California, said decision of said board was reversed, and the title to said grant was confirmed, and at the December term, 1859, of the United States Supreme Court the decree of said district court was affirmed. (5 Wallace, 444.)

Township 5 north, Range 1 west, and Township 6 north, Range 2 west, Mount Diablo base and meridian in California, were returned as public lands by a United States survey thereof approved October, 1853, and was held to be public land as late as 1863. The plats of such survey were duly filed in the proper United States land office. The parties named in H. R. 3240 entered in good faith upon the lands described in the preamble to said bill for settlement, and some of them commenced the improvement of their farms as early as 1853. They continued upon their lands, improving the same, and then building dwellings, &c., for some twelve years before they had notice of any adverse claim, expending thereon large sums of money, to wit, a sum exceeding $100,000, exclusive of the value of the lands. In the mean time these parties had, in pursuance of law and in good faith, bought and paid for their lands and received patents or other evidence of title from the United States therefor.

On the 12th day of October, 1868, in conformity with said final decree of the United States Supreme Court, a patent was issued to the claimants of said Tolenos Rancho, embracing all the lands previously disposed of by the United States to said parties, and as described herein.

In November, 1868, the grant confirmees and their successors in interest instituted suit in ejectment against the parties, named in this bill, and, in pursuance of law and a decree of court of last resort, duly ejected them from said lands on the 19th day of October, 1871.

Your committee therefore, believing that said settlers are entitled to relief, having lost their homes, their lands, and improvements, submit herewith a substitute for the bill referred to them, and recommend that it do pass, and that House bill No. 3240 do lie on the table.

ITH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2436.

DEFICIENCY FOR PRINTING, PENSIONS, AND PAY OF THE ARMY.

AY 14, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

r. JOHN J. ADAMS, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 8762.]

In presenting the accompanying bill providing for certain deficiencies appropriations for the fiscal year 1886, and which are urgent, the mmittee on Appropriations submit the following in explanation thereof: The bill is based upon estimates submitted in House Ex. Docs. 86, 162, 6, 192, and 222, and upon representations from the various heads of e Departments that the amounts recommended are urgently and imdiately necessary to aid in completing the service of the Government the current fiscal year. The amounts recommended are for purposes follows:

r public printing	$229,000
r pensions	6,000,000
	6,229,000

Provision is also made for the transfer of an unexpended balance of 00,000 from the appropriation for pay of the Army for 1885, to meet leficiency for pay of the Army for 1886.

In addition to the reasons given in the executive documents above ntioned for the immediate appropriation of the sums named, attenn is called to the letters of the Secretary of State, Public Printer, mmissioner of Pensions, and Paymaster-General, which are made a rt of this report.

DEPARTMENT OF STATE,
Washington, May 8, 1886.

IR: Referring to my letter of the 26th ultimo, requesting an additional sum of 000 to cover expenses of printing and binding for this Department for the fiscal ar ending June 30, 1886, I have the honor to repeat that the work now in the hands the Public Printer is of such importance as to require immediate attention, and less prompt action is taken by Congress to provide the amount necessary to comte the work for the fiscal year, the public service will suffer.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Ion. SAMUEL J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

OFFICE OF PUBLIC PRINTER,
Washington, D. C., May

SIR: I regret to inform you, as intimated in my last annual report, that necessary to appropriate not less than $200,000 to continue the operatio office, including the publication of the Congressional Record, during the rem the fiscal year.

This action is necessary because of the reduction of the appropriation for th fiscal year of $250,000 by Congress *without a corresponding reduction of orders ing*.

In order to avoid a furlough, and the suspension of the publication of gressional Record, and the discontinuance of all work except such as was for by special appropriations, this appropriation should be available not l the 25th instant.

Very respectfully,

S. P. ROUN
Public

Hon. S. J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

OFFICE OF PUBLIC PRINTER,
Washington, D. C., May

DEAR SIR: In preparing my estimate for the amount of appropriation re the use of the Government Printing Office for the fiscal year beginning Jul and closing June 30, 1886, it was necessary first to take into consideration t amount expended during the previous year, the average annual increase of ness of the office, and the fact that the new estimate would also have to pr a long session of Congress, which included nearly four months extra expen printing the Congressional Record from March 4 to June 30, as well as a la tity of extra Congressional work, such as bills, reports, &c., and such ot expenditures as would naturally have to be provided for during the long se

The following appropriations will indicate what has been heretofore prov

For 1883, short session ..... $
For 1884, long session .....
For 1885, short session .....
For 1886, long session .....

The House of Representatives reduced the amount to the sum of $2,000 this time I was called before the Senate Committee on Appropriations for pose of giving them such information as they desired upon the subject, a addressed the chairman of the committee the following letter:

"OFFICE OF PUBLIC PRINTER,
"*Washington, D. C., March*

"DEAR SIR: Please let me urge the committee to insist upon the $2,500,0 priation. If less is appropriated for the long session, in my judgment, a d will be necessary. There is plenty of work to be done.

"I have never asked for a deficiency, and if the Senate will insist upon it ments the good record I have endeavored to make will not be broken the com

"Very respectfully,

"S. P. ROUN
"*Public*

"Hon. W. B. ALLISON,
"*Chairman Committee on Appropriations, United States Senate.*"

The Senate amended the bill by increasing the appropriation to $2,500 same amount as was appropriated for the previous long session, but the confere mittee reduced it to $2,250,000 ($426,107 less than the estimates), or the s that was appropriated for the previous fiscal year, which had only the sho of Congress.

This office has never, during my administration, found it necessary to ask deficiency, although its yearly increasing business has been promptly and torily done, and its machinery and facilities increased out of its regular a tion, but judging from the general increase of business and having to pr the large extra expenditure of a long session of Congress, I stated, in my a port, that in my judgment, with the reduced appropriation, a deficiency bi become necessary.

And I regret to say that although the expenses of the office have been kept at as low a figure as was possible, considering the largely increased expense of the long session, and the great excess of printing ordered by Congress over that of previous years, I find that this office will require an additional appropriation in order to print the Congressional Record, complete the work ordered by Congress, and carry it to the close of this fiscal year.

I have made a careful computation of the work in hand, and what I believe to be a correct estimate of the amount needed is $200,000 (required for the pay-rolls and the necessary materials for the month, which added to the amount of the appropriation will be $50,000 less than was appropriated for the last long session), and I would respectfully but urgently ask the Joint Committee on Printing to call the attention of the Committee on Appropriations to the matter, and request that immediate steps be taken to provide it in season for use *not later than the 25th instant*, as if not available at that date I shall, under the law, be compelled to suspend all further work, including the publication of the Congressional Record, except such as is provided for by special appropriation.

It may be proper for me to state that from the meeting of Congress in December last up to date it has ordered very much more work than ever before during the same period of time—as, for instance, the number of bills and resolutions printed to April 30 was 13,770, as against 10,761 up to the same date at the previous long session, the number of documents being 9,732, as against 7,874 during the same period, and other work in proportion.

The extra cost of the Congressional Record for this (the long) session over the short one, from March 4 to June 30, based upon its cost to the present time, will be, say, $60,000.

Had the appropriation for the present fiscal year been in proportion to that of the previous year, or had the amount estimated for been appropriated, or, after the reduction of the appropriation, had Congress made a *corresponding reduction in orders for printing*, it would not now be my unpleasant duty to urge upon the committee the importance of having this additional amount available for use by the 25th instant, so as not to be obliged to cut down the force or suspend the business of the office, which would amount, in fact, to blocking the wheels of Congress and every Department of the Government.

Any further information desired by the committee I will be very glad to furnish promptly.

I have the honor to be, very respectfully, your obedient servant,

S. P. ROUNDS,
Public Printer.

Hon. E. BARKSDALE,
Chairman Committee on Printing.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 13, 1886.

SIR: In connection with the interview had this morning with the Subcommittee on Deficiencies of the Committee on Appropriations, on the subject of the deficiency in the appropriation for the payment of invalid and other pensions for the present fiscal year, I have the honor to submit the following statement:

On the 8th day of May, instant, there was to the credit of this appropriation in the Treasury, as shown by the records of this office, available for the payment of Army pensions (including $53,884.77, pay and allowances, and $13,264.85, examining surgeon's fees), $5,674,206.76.

On the same day there was in the hands of the several United States pension agents, $2,576,804.08, making a total available of $8,251,010.84.

During the month of March last, there was paid out for Army pensions for the quarter ending on the 4th day of that month, the sum of $11,251,543.80.

Since that date the pension-roll has continued to increase, and it is estimated that a sum not less than $12,750,000 will be required to meet the payments due June 4 next, which will be made prior to the expiration of the fiscal year, and it may not be improper to add that the experiences of this office is that the payments for the month of June are always largely in excess of those for any preceding month of a fiscal year.

There will therefore result in the appropriation for the payment of Army pensions a deficiency amounting to $4,498,989.16. In addition to this deficiency the sum of $1,000,000 will also be required to pay the increase provided by the act of Congress approved March 19, 1886, increasing the pension of widows, minors, and dependent relatives.

In explanation of this amount, it may be proper to state that there are 90,000 pensioners now on the rolls whose rates have been increased by this law, and that the

increase in each case to June 4 next will be $10. This will make $900,000, and the additional $100,000 will be required to make final payments and in the settlement of claims to reimbursement by the accounting officers of the Treasury under section 4718 of the Revised Statutes.

The attention of the committee has been heretofore called to the necessity of providing for these deficiencies. I have the honor to request, therefore, that the sum of $6,000,000 be appropriated for the purposes stated, and that the action be speedily taken, so that the money shall be available not later than the 30th instant, as unless the money be appropriated without delay the appropriation will be exhausted in a few days after the 4th of next June, and the payment of all pensions will, as a consequence, terminate until the appropriation for the next fiscal year shall become available.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Hon. CHAIRMAN SUBCOMMITTEE ON DEFICIENCIES OF
COMMITTEE ON APPROPRIATIONS,
House of Representatives.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, May 10, 1886.

SIR: I have the honor to invite your attention to a letter from this office dated April 20, 1886, submitting to the Secretary of War an estimate of the amount that will be required to supply a deficiency in the amount appropriated for pay, &c., of the Army for the fiscal year ending June 30, 1886.

As the balance now available for distribution will not be sufficient to complete the payment of the Army to June 30, it will be necessary, unless the funds requested are in the hands of the paymasters on or before that date, to direct that the payments on the muster of June 30 be suspended until the appropriation is made, or to make partial payment thereon.

It is very desirable, for reasons that will suggest themselves, that either of the above contingencies should be avoided. I would therefore respectfully urge as prompt action as possible in the matter.

Very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General, U. S. Army.

Hon. S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2437.

GRANT OF LANDS TO AID CERTAIN RAILROADS IN THE STATE OF FLORIDA.

MAY 17, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. PAYSON, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 8763.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 450) repealing all laws granting public lands to certain railroad companies and to certain States for the benefit of said railroad companies, &c., having had the same under consideration as to certain railroads in the State of Florida, under the act of Congress approved May 17, 1856, would respectfully report:

The act of May 17, 1856, granted to the State of Florida, to aid in the construction of certain railroads in said State, every alternate section of land, designated by odd numbers, for six sections in width on each side of such roads. The provisions in said act for indemnity, for disposition of the lands by the legislature of said State, for the sale of such lands, and for the reversion of the unsold lands to the United States in the event of failure to complete the roads within ten years, are as follows:

> That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say: That a quantity of land, not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of 20 miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any 20 continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having 20 continuous miles completed as aforesaid, and included within a continuous length of 20 miles of each of said roads, may be sold: and so, from time to time, until said roads are completed; and if any of said roads is not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States.

The grant seems to have been the completion of a plan pending in the State of Florida for the construction of a general system of railroad improvements; for, on January 5, 1855, an act to provide for and encourage a liberal system of internal improvements of this State passed the Florida legislature, providing for an "internal improvement fund, based on the 500,000 acres of public lands granted to the State by the act of Congress March 3, 1845; also all the swamp and overflowed lands granted by the act of Congress September 28, 1850.

Details for the application of this fund, as well as guaranty by the State of certain bonds of the corporations to be benefited by it, were provided; and section 5 names certain lines of railroad as proper improvements to be aided by this fund; among them, the lines of railroad named in the act of Congress of May 17, 1856, now being considered.

Besides the guaranty of bonds provided for in the act the legisl ture provided for a grant of lands, the title to which was in the Sta by the act of March 3, 1845, of 500,000 acres, and the swamp-lan act of 1850, of each alternate section of land for 6 miles on each sid of the railroad; and the act of Congress of May 17, 1856, made a gra of like quantity.

Thus the initial steps taken in Florida were supplemented by the ac of Congress we are now considering.

The railroads provided for in this act were these:

From Amelia Island, on the Atlantic, to the waters of Tampa Bay with a branch to Cedar Keys, on the Gulf of Mexico. The point of junc tion was Waldo. The distance from Amelia Island (Fernandina) t Waldo is 84 miles; Waldo to Tampa, 150 miles; Waldo to Cedar Keys 71 miles.

Of this line there was constructed within the time limited in the ac making the grant, the road from Fernandina to Cedar Keys, 155 miles

Between Waldo and Tampa the Government has been officially ad vised of the construction of 70.97 miles of the 150 miles, and your com mittee is advised that about 19 miles more have been constructed, al long since the expiration of the time limited in the act, leaving, say 50 miles now unconstructed from Tampa north.

The Florida Railroad Company (afterwards called the Atlantic, Gul and West India Transit Company), as originally organized, had powe to build only from Amelia Island to Cedar Keys; but under the stat ute of December, 1855, and by the fourth section of its charter, it wa authorized to build, and to set off to other companies the right t build, from Waldo to Tampa. Accordingly the Peninsular Railroa Company was authorized by the Florida Railroad Company to build from Waldo to Ocala; and the Tropical Florida Railroad Company wa authorized by the Florida Railroad Company to build from Ocala t Tampa, and these parts of the route were set off to them.

The other road was from Jacksonville to Escambia Bay (Pensacola)

Two companies were created to build this road:

(*a*) The Florida, Atlantic and Gulf Central Railroad Company, t build from Jacksonville to Lake City.

(*b*) The Pensacola and Georgia Railroad Company, to build from Lak City to Pensacola.

The Florida Railroad Company, afterwards known as the Atlantic Gulf and West India Transit Company, and the Peninsular Railroa Company were afterwards reorganized and consolidated into the Florid Transit and Peninsular Railroad Company.

The Florida, Atlantic and Gulf Central (afterwards known as th Jacksonville, Pensacola and Mobile Railroad Company) and the Pe sacola and Georgia Railroad Companies underwent various vicissitude and were finally reorganized as the Florida Central and Western Rail road Company.

The Florida Transit and Peninsular Railroad Company, the Tropic Florida Railroad Company, the Florida Central and Western Railro Company, and other companies known as the Leesburg and Indian Rive Railroad Company and the Fernandina and Jacksonville Railroad Co pany, were, in 1884, consolidated into the Florida Railway and Navig tion Company.

The line of road from Jacksonville to Lake City, 59 miles, and thenc west on the then Pensacola and Georgia Railroad to Quincy, 130 mile was constructed "in time," and since the expiration of the time limite west from Quincy to the Chattahoochee River, and thence west to Pe

acola, 181 miles, has been completed; this last line by the Pensacola and Atlantic Railroad Company, incorporated in 1881. (Laws of Florida, 1881, p. 148.)

The bill proposes to declare a forfeiture of all lands granted by the act which lie coterminous with road not constructed within the time limited in the act, viz, May 17, 1866.

Hence the lands affected lie opposite the lines of road between Quincy and Pensacola, and Waldo and Tampa, and claimed by the Pensacola and Atlantic Railroad Company, and the Florida Railroad and Navigation Company respectively.

Relative to the claim of Pensacola and Atlantic Railroad Company but little need be said.

As to the portion of the road now operated the corporation controlling it when the grant was first sought to be utilized became insolvent and defunct.

West of the Chattahoochee River nothing was done in the way of construction. In 1881 this corporation was incorporated to construct this line of road, not as the successor of the old corporation, but as a new being.

Among other benefits conferred on it by the legislature of Florida were:

First. A grant of the Atlantic sections of land granted by act of Congress of September 28, 1850, for 6 miles in width on each side of the road; a grant of 3,840 acres per mile of road.

Second. A grant of 20,000 acres of land per mile, to be satisfied out of the swamp-land grant of September 28, 1850.

Third. A grant of all the interest the State has under the act of May 17, 1856, the act under consideration.

On the question of the power of Congress to declare a forfeiture of the grant as to this road, your committee think it unnecessary to re assert their conclusions so frequently made in reports to the House in similar cases. The power exists without question, and as to the policy of such action, it is submitted that the prodigal, enormous grant made by the State to this corporation, 23,840 acres per mile, ought to satisfy any claim to "equitable" consideration.

This forfeiture cannot be declared too soon.

The grant in aid of other line of road, Waldo to Tampa, should also be declared forfeited.

The history of this grant is peculiar and deserves an insertion here:

A map purporting to show the location of the route between Waldo and Tampa was deposited in the office of the Commissioner of the General Land Office, December 14, 1860, by Capt. M. L. Smith, chief engineer of the Florida Railroad Company, said company claiming to be the grantee of the State, by virtue of certain acts of its legislature approved January 6 and December 14, 1855.

As said map did not bear the certificate of the governor, under the seal of the State, as required by the regulations of that office, it was not accepted as a map of definite location of the road, and Mr. Smith was, by letter dated December 28, 1860, advised that no definite action thereon could be taken until the omission was supplied, and that the map was held subject to his order. (S. Ex. Doc. 91, p. 62.) An indorsement upon Mr. Smith's letter shows that the map was delivered to him January 22, 1861. (S. Ex. Doc. 91, p. 17, C.)

In 1867 instructions were given the district land officers to respect the grant between Fernandina and Cedar Keys, but none were given as to the portion between Waldo and Tampa.

No further action in the matter appears to have been taken either b the State or the company until 1875. Meanwhile the withdrawals of 18 and 1857 had ceased to be recognized.

On December 7, 1875 (nine years after the expiration of the grant Hon. D. L. Yulee, vice-president and acting president of the Atlanti Gulf and West India Transit Company, filed a map purporting to sho the route of the road as definitely fixed from Waldo to Tampa, and r quested that the same be placed on file, and the lands to which the Stat was entitled listed to said company as soon as practicable. (S. Ex. Doc 91, p. 17.)

By letter dated March 4, 1876, Mr. Yulee was requested to furnis certified copies of the acts of the legislature conferring the grant upo the Florida Railroad Company, and of all proceedings vesting the right of that company in the Atlantic, Gulf and West India Transit Company and also the affidavits of the chief engineer and president of the com pany showing the map filed December 7, 1875, to be a true and accurat transcript of the original survey, as represented upon the map file December 14, and rejected December 28, 1860. (S. Ex. Doc. 91, p. 65.

The required copies having been furnished, and affidavits presente tending to show that the map presented in 1875 was identical to tha rejected in 1860, the Commissioner, by letter dated April 20, 1876, sub mitted the map to the Secretary of the Interior, with a recommenda tion that it be accepted as a map of definite location, and the lands with drawn for the purposes of the grant. (S. Ex. Doc. 91, p. 65.)

On April 29, 1876, Mr. Secretary Chandler declined to receive or ap prove the map, holding that the important act of definitely locating the road could only be performed *by or under the authority of the State*, and should be done within the time fixed for the completion of the road and that a failure to discharge such duty should be taken as conclusiv evidence of the abandonment of the grant.

He further held that as no title to any particular lands had vested i the State by the definite location of the road within the life-time of th grant, the principle announced by the Supreme Court in the case o Schulenberg *v.* Harriman was not applicable.

He therefore returned the map to the Commissioner and directed tha it be returned to Mr. Yulee, with the information that the Departmen could not permit the company, after so great a delay, to file a map des ignating the route of its road. (Ex. Doc. 91, p. 14.)

The map was accordingly returned to Mr. Yulee May 6, 1876, with copy of the Secretary's decision in the matter.

On October 29, 1879, Mr. S. I. Wailes, attorney for the company agai presented the map to the Commissioner, and asked early action thereo

Among the papers accompanying the map was a letter from Mr. Yule dated October 27, 1879, in which he stated that the matter was agai placed before the Department with the view of displaying the facts a they actually existed (most of which he claimed were not before Secr tary Chandler in 1876), and of inviting a review of the subject. H further stated that the death of Captain Smith, to whom the map file in 1860 was returned, had made it impossible to trace the original an rendered the use of a verified duplicate necessary.

He claimed, however, that the purpose for which the map was re turned to Captain Smith was not necessary to its sufficiency; that i ought not to have been parted with from the files of the Departmen without the official request and authority of the company, by whos direction it was filed, and that the indisputable fact of its having onc been filed was sufficient for the case. (Ex. Doc. 91, p. 46.)

November 10, 1879, Mr. Yulee's letter, the map, and accompanying papers were submitted for the consideration and action of the Department. The Acting Commissioner, while finding that there was no room for doubt that the route of the road in question was actually surveyed, and a map of such survey, intended as evidence of the definite location of the line, filed in the General Land Office in December, 1860, declined to express an opinion as to the sufficiency of the map as originally filed, or of the reproduced copy of the same. (Ex. Doc. 91, p. 9.)

January 23, 1881, Mr. Secretary Schurz, passing upon the company's application, held that while the return of the map for the governor's certificate in 1860 was an act of due caution on the part of this office, such certificate was not essential to the validity of the survey fixing the line upon the face of the earth, of which the map was intended to be the notification and evidence for the Department; that as the exact correspondence of the duplicate map with the map filed in 1860 had been shown, there remained no doubt that the line exhibited was surveyed and marked as the definite location of the road, and that it was recognized as such by the officers of the company and the State.

Such being the case, and there having been no declaration of forfeiture, he instructed this office to order a withdrawal of the lands within the limits of the grant. (Ex. Doc. 91. p. 12.)

The withdrawal of the odd-numbered sections within 15 miles of the line shown upon the map was accordingly ordered by letter to the local offices, dated March 16, 1881. (Ex. Doc. 91, p. 13. Also see diagram facing page 79.)

January 30, 1884, Mr. Secretary Teller, passing upon the claim of the company to select certain even-numbered sections under the act of June 22, 1874 (the decision in the case being dependent upon the sufficiency of the map filed in 1860), held—

First. That the map of 1860, taken in connection with actual surveys in the field, was valid and sufficient to fix and locate definitely the line of the road, and bring home to the Department notice of such location.

Second. That a legislative withdrawal followed the filing of that map.

Third. That such results were not destroyed or annulled by the return of the map by this office for the purpose of procuring the governor's certificate thereto.

Fourth. That the order of withdrawal made in 1856 was existent at the time of the withdrawal ordered upon filing the duplicate map in 1881.

On this state of case an application has been made to Mr. Secretary Lamar to review the whole matter and revoke the withdrawal made in 1881 by Mr. Secretary Teller, and the opinion of the Commissioner of the General Land Office, Mr. Sparks, was asked and he gives it as follows:

In passing upon this request two questions present themselves for consideration, to wit:

First. Was the action of the company in filing the map of 1860 sufficient to locate and definitely fix the line of the road, and thereby vest the title of the State in the particular sections granted? Second. If not, can the road be definitely located after the expiration of the time fixed for its completion?

1st. On May 20, 1856, three days after the approval of the granting act, this office addressed a letter to the governor of Florida, in which it was stated, *inter alia*, that the first thing to be done under said act was to locate the several roads and file maps hereof, duly certified under the seal of the State, in this office.

August 30, 1856, this office, replying to a letter from the governor requesting an explanation of his duties under office construction of the granting act, stated that as the grant was made to the State "any action of the companies, had now, can only be

properly recognized through the governor, hence the necessity of attaching the seal of State to the maps of the roads to give them a binding effect under the law."

Letters similar to the above were sent to the governors of the several States to which grants were made during the year 1856.

The granting act did not specifically require the filing of a map of the road, but a map was necessary in order to bring notice of the location home to the Department; and this office, being charged with the adjustment of the grant, was fully authorized to make the regulations governing the filing and authentication of such maps. It did make such regulations and communicated them to the governor of the State.

That the company was aware that the certificate of the governor was required is shown by the fact that within a week after the map of the location of the road between Fernandina and Cedar Keys had been filed, and before it had been acted upon by this office, Mr. Yulee asked that it be returned to the governor in order that he might certify the same.

That such action was not exceptional is proven by the records of this office, which show that not only was it the practice to decline to accept maps from which the certificate of the proper authorities of the State was omitted, but also to take cognizance of any imperfections which might appear in the certificate, and refuse, for that reason, to accept the map. (1 Lester, 530, 533, and 541.)

In the case of Van Wyck *v.* Knevals (106 U. S., 360), the Supreme Court of the United States held that a road was "definitely fixed" when it had ceased to be the subject of change at the volition of the company, and that it had ceased to be the subject of change when a map thereof had been filed with and accepted by the Secretary of the Interior.

In the present case a map was presented for filing which purported to exhibit the location of the road from Waldo to Tampa Bay. This map being unauthoritative, and defective for that reason, was not accepted by this office, and was never filed herein, but was rejected, and returned to the party presenting it.

The mere act of filing or offering for filing such map did not terminate the power of the company to change its route. The company was not bound to the route exhibited thereon, but could have refiled the same map properly certified or could have changed the line at its pleasure. From 1860 until the expiration of the grant in 1866 the line was subject to change at the will of the company, and hence it was not "definitely fixed," in the meaning of the law, within the time prescribed for its completion.

2d. From 1860 until after the expiration of the grant in 1866, the company took no steps toward locating its road and giving notice of such location to the Department.

The granting act provided that if the road was not *completed* within ten years, or by May 17, 1866, the unsold lands should revert to the United States.

In the case of Schulenberg *v.* Harriman (21 Wallace, 44), the Supreme Court of the United States, construing a similar provision in the acts of June 3, 1856, and May 5, 1864, granting lands to the State of Wisconsin, held that as no action had been taken either by legislation or judicial proceeding to enforce a forfeiture of the grant the title remained in the State as completely as it did on the day it vested by the location of the road.

In that case, however, the road had been definitely located and a map thereof filed in *and accepted by the Department* as the basis of the adjustment of the grant within the time prescribed for the completion of the road, and the court simply considered the effect of the failure to complete the road within the time required upon the title which had already vested by the location of the road. The effect of the failure to locate in time was not before the court.

Secretary Chandler held that the important act of definitely locating the road *could only be performed by or under the authority of the State, and in all cases within the life-time of the grant.*

There can be no doubt, in my opinion, of the correctness of this proposition. It is inconceivable that legal rights can become attached to lands under a grant after the period has expired within which the conditions of the grant were to have been fulfilled.

The position taken by Secretary Chandler, that the line of the road was not definitely fixed within the meaning of the law by the mere presentation of a map of alleged route, is equally unassailable. The assent of both parties is necessary to a contract. This Department, as administrator of the law, must exercise its right and power to determine whether a map filed as a map of definite location is, in fact and in law, such a location as the grant authorized and required. And until such a map has been accepted on the part of the Government a definite location has not been made. If the mere act of surveying a route is sufficient to fix a location, then a location could be made anywhere without regard even to the course of the road or the points between which it runs.

Again, under State grants the Government treats only with the State. These grants

are made to the State and title to lands under them runs to the State. A corporation may be the beneficiary of the State, but the State in its sovereign capacity is the direct beneficiary of the grant. It has never been permissible in the rules or practice of this office and Department to accept a map of location under a State grant upon a mere filing of such purported map by a railroad company. The acceptance by the State of the act of the company, making that the act of the State, has always been required as preliminary to acceptance by the Department. The references hereinbefore cited are conclusive upon this point.

The question of the correspondence of the map presented in 1876 with that presented and rejected in 1860 is not a material consideration. The map of 1860 was *not accepted*, and hence is not a factor in the case.

As I have observed, the State might at any time before the expiration of the grant have represented the same or an identical map, or might have changed the line then proposed and filed an entirely new map proposing a different location. It is my information that as a matter of fact the line of construction, so far as construction has progressed since 1880, has been upon quite a different line than the one proposed in 1860, and therefore that the route laid down upon that map is not in fact the line of the definite location of the road.

The action of preceding administrations of this office and Department reversing the judgment of Secretary Chandler, and ordering a withdrawal of lands on the unperfected location of 1860, thus reviving or proposing a revival by departmental construction of an expired and abandoned grant, has been productive of great injury to the citizens of Florida.

I believe such action to have been without authority of law or justification in equity, and, at best, impolitic in the absence of special legislation authorizing and directing such action. No road had been located during the time within which the road should have been completed, consequently no right to any land under the grant had vested in the State when that time expired. The law required the completion of the road within a specified time, and the failure to locate the same within that time was an abandonment of the grant. It was so treated for more than fourteen years, and the attempted revival of the grant in 1881 by departmental authority alone should not, in my opinion, be sanctioned or sustained by the present administration.

I respectfully recommend that the withdrawal ordered in 1881 be revoked.

Whether the views of the commission be adopted or not, as a large portion of the line between Waldo and Tampa is still unconstructed, beyond question the *power* to declare a forfeiture exists for that reason.

We have read with care the elaborate argument filed by the counsel for the company interested, and find no equity in its claim for these lands.

Our attention was not directed to the fact in the argument, but we see by the Statute of Florida of 1881, page 153, that a new company was incorporated, to be known as the Tropical Peninsular Railroad Company, to build the road from Ocala to Tampa; and to aid this company a grant was made by section 4 of alternate sections for 6 miles on each side of the road, and by section 5, 10,000 acres per mile, both grants to be satisfied out of the swamp-land grant of September, 1850, to the State of Florida. A total of 13,840 acres per mile.

This, we submit, ought to satisfy a claim of "equity" as to donation of public lands.

We have not deemed it necessary to add here the history of the management and "wrecking" of this system of roads, nor the reckless squandering of the public lands in their interest by the local authorities.

The swamp-land act of 1850, under which Florida has received about 25,000,000 of acres of land, and will receive, probably, 7,000,000 to 9,000,000 more, contemplated a use of the lands for reclamation, but here the State seems to adopt the most speedy method of distribution to corporations.

We are told that there has been one sale of 4,000,000 acres of these lands to a corporation, to realize $1,000,000, to be paid on an old indemnity by the State to use of these roads under the "internal improvement" act of 1855.

		Acr
The total area of Florida is		35,71

There has been granted by the United States:

The internal-improvement act, 1845	500,000	
Swamp lands surveyed	18,131,345	
Swamp lands unsurveyed (estimated)	7,000,000	
School purposes, act 1845	908,503	
University grant, 1845	92,000	
Railroad grants, 1856	2,275,570	
		28,90
Balance for settlers under United States		6,80

Only about one-sixth of the State, which was practically all Gov ment land when this policy began!

The approximate amount saved by this bill is 695,040 acres on Pensacola line, and 576,000 acres on the Waldo-Tampa line.

[Forty-ninth Congress, first session. H. R. 8763.]

A BILL to forfeit the lands granted to the State of Florida to aid in the construction of certain roads, &c.

Be it enacted by the Senate and House of Representatives of the United States of Am in Congress assembled, That all the lands, excepting the right of way heretofore gra to the State of Florida by the act of Congress approved May 17, A. D. 1856 (11 S L., p. 15), which are adjacent to and coterminous with such portions of the railr named in said section as were not completed at the time and in the manner requ by said act of Congress, embraced within both the granted and indemnity limit contemplated to be constructed under and by the provisions of the said act of 17, 1856, be, and the same are hereby, declared forfeited and restored to the pu domain, and made subject to disposal to entry and settlement, under the provis of the homestead laws, to actual settlers only.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2438.

BONDS OF CIGAR MANUFACTURERS.

AY 18, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Ir. HARRIS, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 8966.]

The Committee on Ways and Means, to whom was referred the bill H. R. 1985) to reduce the penal sums of bonds of cigar manufacturers, eport that the committee have had said bill under consideration, and ind that by the act of March 3, 1883, the tax on cigars was reduced me-half, and on cigarettes more than one-half.

Since the reduction of the tax on cigars it is not deemed necessary o require that manufacturers of cigars should give bonds in so large enal sums as are now required by section 3387 United States Revised Statutes.

The committee deem it expedient and just, while recommending the ontinuance of bonds, that the penal sum should be reduced in the ame proportion as the tax, and that said sum should be limited, as in he case of tobacco manufacturers, to a maximum of $20,000.

Your committee believe that under the stamp system such a reduction vill cover all liabilities that any manufacturer of cigars could incur for axes due the Government.

Your committee therefore report back House bill 1985, with the recmmendation that it lie upon the table, and that the accompanying bill e adopted as a substitute therefor.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2439.

BRIDGES ACROSS SAINT AUGUSTINE AND LA FAYETTE CREEKS, GEORGIA.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 8967.]

The Committee on Commerce, to which was referred the bill (H. R. 7600) to authorize the building of bridges across Saint Augustine and La Fayette Creeks, in the State of Georgia, have had the same under consideration, and report:

The committee submit a substitute for said bill, which contains the usual reservations and restrictions, and respectfully recommend its passage.

TH CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2440.

BRIDGE OVER THE MENOMINEE.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 8023.]

Committee on Commerce, to whom was referred the bill (H. R. 8023) to ve the assent of Congress to the construction of a bridge by the municilities of Menominee, Mich., and Marinette, Wis., over Menominee River, ave had the same under consideration, and report as follows:

he bill contains all the restrictions and reservations necessary to pro- the interests of navigation, and we recommend it pass with the ndments herewith submitted.

section 4, line 8, strike out the words "and one mile below," and in 9, same section, between the words "location" and "the," insert the ds "and below said location to the shore of Green Bay at the mouth aid river."

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2441.

BRIDGE ACROSS LAKE CHAMPLAIN.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill S. 63.]

The Committee on Commerce, to whom was referred the bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburgh in the State of Vermont, have had the same, under consideration, and report as follows:

The bill contains all restrictions and reservations necessary to protect navigation, and the committee recommend its passage.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2442.

BRIDGES IN WASHINGTON TERRITORY.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill S. 236.]

The Committee on Commerce, to whom was referred Senate bill No. 236, to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington, have had the same under consideration, and report as follows:

The bill contains all the restrictions and reservations necessary for the protection of navigation, and your committee recommend its passage.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2443.

ANT OF LAND TO THE ALABAMA AND CHATTANOOGA RAILROAD COMPANY.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. PAYSON, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 450.]

The Committee on the Public Lands, having had under consideration so much of bill H. R. 450 as proposed a forfeiture of the public lands granted to the State of Alabama to aid in the construction of certain railroads in that State, so far as the same relates to the lands claimed by the Alabama and Chattanooga Railroad Company, would report that this subject was fully considered by the Committee on the Public Lands in the Forty-eighth Congress, and that committee found (as do this committee) that the road was constructed in time and manner as required by law, and no right of forfeiture exists. (See House Report No. 2016, first session Forty-eighth Congress.)

We recommend that so much of said bill as relates to said grant be laid upon the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2444.

MANUFACTURE AND SALE OF INTOXICATING LIQUORS IN THE TERRITORIES.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. SADLER, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill H. R. 2163.]

The Committee on the Territories, to whom was referred the bill (H. R. 2163, "to regulate the manufacture and sale of intoxicating liquors in the Territories, with a provision to submit the same to the voters thereof for ratification," have had the same under consideration, and respectfully report adversely thereto, and recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2445.

CHARLES W. JONES.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. MITCHELL, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill H. R. 2117.]

The Committee on Patents, to whom was referred the bill (H. R. 2117) for the extension of a patent to the assignees of Charles W. Jones, report as follows:

The inventor, Charles W. Jones, has parted with his entire right and interest in said patent, and would derive no benefit from the extension thereof. A short time prior to the issuing of his letters patent he assigned an undivided one-third interest therein to John S. Jardine, in consideration of services rendered and financial assistance extended to him by the said Jardine. Several years before the expiration of the patent the inventor parted with the remaining two-thirds of his interest to one Petty, of Cleveland, Ohio. About six months prior to the expiration of the patent one Jetter purchased the said two-thirds interest from Petty for $100, with full knowledge of the fact that but six months of the life of the patent remained. This extension, if granted, would inure to the benefit of Jardine and Jetter, the assignees of the inventor.

The committee are of the opinion that said extension should not be granted, and they therefore report the accompanying bill back to the House with the recommendation that the same do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2446.

COMMITTEE ON INVALID PENSIONS.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany H. Mis. Doc. 285.]

The Committee on Invalid Pensions, to whom was referred the resolution fixing the 15th and 16th days of June, 1886, for the consideration of business to be called up by the said committee, having considered the same, beg leave to report as follows:

That there is now upon the Calendar a number of bills relating to general pension legislation and reported by said committee that should be considered by the House. They are important measures, and this committee has other measures in process of consideration, and will before the said dates report them to the House. No day has been given to this class of business by the House in the present Congress, and we earnestly recommend the passage of the resolution.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2447.

WEST VIRGINIA TROOPS.

MAY 18, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2653.]

Your committee, to whom was referred House bill 2653, having considered the same, report the same back to the House with the recommendation that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2448.

MARY MORTIMER SEMMES.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 489.]

The Committee on Pensions, to whom was referred the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 493, Forty-ninth Congress, first session.)

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2449.

MARY E. CRIMMINS.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 160.]

The Committee on Pensions, to whom was referred the bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 258, Forty-ninth Congress, first session.)

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2450.

MARGARET HUNTER HARDIE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1133.]

The Committee on Pensions, to whom was referred the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 252, Forty-ninth Congress, first session.)

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2451.

ALFRED J. HILL.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8651.]

The Committee on Invalid Pensions, to whom was referred House bill 8651, *beg leave to submit the following report:*

Alfred J. Hill is now over eighty years of age, and has served his country in two wars. For disabilities incurred in the war with Mexico (diarrhea and liver complaint) he was pensioned at the rate of $4 per month, which continued until the outbreak of the civil war, when he surrendered it and again entered the military service as adjutant of the Third New Hampshire Regiment.

He resigned his commission April 8, 1862, on account of disabilities incurred under circumstances stated as follows by his colonel, John H. Jackson:

> While present with his regiment at Edisto Island, on or about April 4, 1862, in the line of his duty, engaged in bringing an order to affiant from one of the outposts, his horse shied while passing through a gateway, causing claimant to be thrown heavily to the ground, and severely injuring his left hip, knee, and ankle, disabling him to a considerable extent, so that he was incapacitated from performing but very little military duty until his resignation was accepted.

He was pensioned for said disability at the rate of $8.50 per month, and his claim for increase is rejected "on the ground that the claimant is now receiving pension commensurate with the degree of disability found to exist by reason of injury to left leg."

This decision is antagonistic to the conditional recommendation of the Portsmouth examining board, contained in their report of his final medical examination, under date August 26, 1885, as follows:

> Upon examining the applicant we find the following objective conditions which, in our judgment, do entitle him to an increased rating: Injury to left leg; measurement makes the left leg an inch larger than the right; no especially tender points; increase in size extends from thigh to ankle. * * * He locates his sciatic pain along the course of the internal saphenous vein, which is marked with varicosities from thigh to ankle, and to which we attribute the increase in size of leg. We should rate him something for the varicosities if there was evidence that they were contracted in the service, say three-eighths, conditionally.

Also, as indicating the claimant's physical condition, we have the joint affidavit of William H. Sise and W. S. Walker, two highly respectable citizens of Portsmouth, that on account of his lameness he is almost totally incapacitated from following his occupation of house-joiner, and the statement of S. C. Whittier, M. D., late surgeon Twenty-

third Regiment Massachusetts Volunteers, under date February 9, 1883, as follows:

I hereby certify on honor that I am the family physician of Alfred J. Hill, of this city, who has been under my care, professionally, for the past five years most of the time. Mr. Hill has been an invalid for most part of the time, and a part of it he has been mentally as well as physically in a very precarious way. At the present time his health is much better than for a long time previous. He has not been fit or able to do manual labor for the past two or three years, nor is he now able to do any work, either mental or physical, and will never, in my opinion, be in condition to do any kind of labor. I consider him a broken-down man, and, as he claims, I think the service rendered by him during the late war had much to do with his present debilitated condition. I am free to say that I think he should have a full pension, and hope that this statement may be instrumental in producing that result.

In consideration of his patriotic services in two wars, of his advanced years, and of his established disability beyond that for which he is pensioned and very likely attributable to the same injury, we recommend that he be given the full disability pension of his rank, and report the bill favorably with a recommendation that it do pass.

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2452.

CHARLES J. ESTY.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 810.]

he Committee on Invalid Pensions, to whom was referred the bill (S. 810) granting a pension to Charles J. Esty, submit the following report:

The report of the Senate committee upon this case is in the following rms:

The claimant, Charles J. Esty, late a private in Company H, Tenth New Hampshire olunteers, made application for a pension to the Pension Office, but such application as rejected, on the ground that the claimant has not been disabled in a pensionable egree by alleged erysipelas since date of filing his claim.

It appears, however, from the reports of the board of examining surgeons, June , 1883, that they rated him at one-fourth total for erysipelas, and for deafness one-ghth. Another board, on August 5, 1885, rated him for loss of second finger and refinger; had erysipelas of both feet, and was obliged to use crutches.

The affidavit of James M. Brown, M. D., who treated the claimant, is also filed ith the papers, under date of January 5, 1886. He states that he has frequently eated him, and that his erysipelatous condition almost disables him from his occu-ation as a farmer, and that he certainly deserves aid from the Government.

Your committee are disposed to give the claimant the benefit of any doubt there ay be in tracing the present erysipelas and its effects to the service, and therefore port the present bill, which simply places him on the pension-roll, subject to future amination, with a recommendation that it do pass.

In addition, this committee think it proper to state that claim for ension was also based upon fever and ague, but its incurrence in serv-e is not satisfactorily established by competent evidence.

The affidavits of Capt. George H. Hubbard and comrade George oby show that he had a severe attack of blood poisoning or erysipe-s at Falmouth, Va., in the fall of 1862, was very sick and excused om duty, and was treated in his quarters, the surgeon not sending im to hospital for some time, on account of the prevalence there of yphus fever of an alarming type. There is also evidence, medical nd otherwise, showing an erysipelatous condition since discharge; hat it manifested itself in his left hand, crippling some of the fingers, wo of which, however, were lost by an accident in 1885. But the ost serious disability appears to be in the feet and legs. The ex-mining surgeon's reports, to which allusion is made in the Senate re-ort, show conditions as follows:

Manchester, N. H., board, June 27, 1883:

Nails of both great toes very much thickened and distorted, growing almost at right ngles with bed of nail on right foot. Nail on right foot is three-eighths thick. Ex-emity of toe on right foot is much enlarged. * * * Do not rate for chills and ver. Would rate for results of erysipelas, one-quarter total; for deafness left ear, result of service, one-eighth total.

[illegible] of his patriotic services in two wars, of his advanc[illegible] [illegible] of his established disability beyond that for which he is pe[illegible] [illegible] likely attributable to the same injury, we recommen[illegible] [illegible] the full disability pension of his rank, and report th[illegible] [illegible] with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2452.

CHARLES J. ESTY.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 810.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 810) granting a pension to Charles J. Esty, submit the following report:

The report of the Senate committee upon this case is in the following terms:

The claimant, Charles J. Esty, late a private in Company H, Tenth New Hampshire Volunteers, made application for a pension to the Pension Office, but such application was rejected, on the ground that the claimant has not been disabled in a pensionable degree by alleged erysipelas since date of filing his claim.

It appears, however, from the reports of the board of examining surgeons, June 27, 1883, that they rated him at one-fourth total for erysipelas, and for deafness one-eighth. Another board, on August 5, 1885, rated him for loss of second finger and forefinger; had erysipelas of both feet, and was obliged to use crutches.

The affidavit of James M. Brown, M. D., who treated the claimant, is also filed with the papers, under date of January 5, 1886. He states that he has frequently treated him, and that his erysipelatous condition almost disables him from his occupation as a farmer, and that he certainly deserves aid from the Government.

Your committee are disposed to give the claimant the benefit of any doubt there may be in tracing the present erysipelas and its effects to the service, and therefore report the present bill, which simply places him on the pension-roll, subject to future examination, with a recommendation that it do pass.

In addition, this committee think it proper to state that claim for pension was also based upon fever and ague, but its incurrence in service is not satisfactorily established by competent evidence.

The affidavits of Capt. George H. Hubbard and comrade George Roby show that he had a severe attack of blood poisoning or erysipelas at Falmouth, Va., in the fall of 1862, was very sick and excused from duty, and was treated in his quarters, the surgeon not sending him to hospital for some time, on account of the prevalence there of typhus fever of an alarming type. There is also evidence, medical and otherwise, showing an erysipelatous condition since discharge; that it manifested itself in his left hand, crippling some of the fingers, two of which, however, were lost by an accident in 1885. But the most serious disability appears to be in the feet and legs. The examining surgeon's reports, to which allusion is made in the Senate report, show conditions as follows:

Manchester, N. H., board, June 27, 1883:

Nails of both great toes very much thickened and distorted, growing almost at right angles with bed of nail on right foot. Nail on right foot is three-eighths thick. Extremity of toe on right foot is much enlarged. * * * Do not rate for chills and fever. Would rate for results of erysipelas, one-quarter total; for deafness left ear, if result of service, one-eighth total.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2450.

MARGARET HUNTER HARDIE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1133.]

The Committee on Pensions, to whom was referred the bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie, have had the same under consideration, and report:

Your committee recommend the passage of the bill, and have agreed to the adoption of the report prepared and submitted by the Committee on Pensions of the Senate. (See Senate Report No. 252, Forty-ninth Congress, first session.)

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)TH (ONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2454.

ELIZABETH BRIDGES.

MAY 18, 1886.—Laid on the table and ordered to be printed.

r. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7946.]

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 7946) granting a pension to Elizabeth Bridges, submit the following report:

Claimant is the widow of Asbery Bridges, a private in Company H, Eighth Maine Regiment. Her claim rests entirely upon her own petition to Congress, which is indorsed by the selectmen and other citizens of the town of Castine, Me., and an affidavit by R. B. Brown, a shipmaster.

Her petition states in substance that her husband was wounded at Petersburg, Va., in June, 1864, and although the wound seriously affected his health, he never applied for a pension, being ignorant of the laws granting pensions. In the winter of 1875, while on a voyage, as sailor, from Castine to Gloucester, Mass., he was knocked overboard by the boom and drowned. The widow is represented as being poor and with two children to support, eleven and thirteen years of age. But her husband's death was the result of an accident, and not in any way attributable to or connected with his Army service, and for this reason this committee, following its uniform practice in similar cases, must report adversely. And it may be added that even were the policy adopted of pensioning widows solely upon the showing of their husband's service and their present needs, proper legislation would require more complete and perfect evidence than the bare petition of a claimant, with general indorsements, such as are presented in this case.

The committee report adversely, and recommend that the bill lie upon the table.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2455.

MARY CARR.

MAY 18, 1886.—Laid on the table and ordered to be printed.

r. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1473.]

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 1473) granting a pension to Mary Carr, submit the following report:

We report the bill adversely, and recommend that it lie on the table.

third Regiment Massachusetts Volunteers, under date February 9, 1883, as follows:

I hereby certify on honor that I am the family physician of Alfred J. Hill, of this city, who has been under my care, professionally, for the past five years most of the time. Mr. Hill has been an invalid for most part of the time, and a part of it he has been mentally as well as physically in a very precarious way. At the present time his health is much better than for a long time previous. He has not been fit or able to do manual labor for the past two or three years, nor is he now able to do any work, either mental or physical, and will never, in my opinion, be in condition to do any kind of labor. I consider him a broken-down man, and, as he claims, I think the service rendered by him during the late war had much to do with his present debilitated condition. I am free to say that I think he should have a full pension, and hope that this statement may be instrumental in producing that result.

In consideration of his patriotic services in two wars, of his advanced years, and of his established disability beyond that for which he is pensioned and very likely attributable to the same injury, we recommend that he be given the full disability pension of his rank, and report the bill favorably with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2452.

CHARLES J. ESTY.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 810.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 810) granting a pension to Charles J. Esty, submit the following report:

The report of the Senate committee upon this case is in the following terms:

The claimant, Charles J. Esty, late a private in Company H, Tenth New Hampshire Volunteers, made application for a pension to the Pension Office, but such application was rejected, on the ground that the claimant has not been disabled in a pensionable degree by alleged erysipelas since date of filing his claim.

It appears, however, from the reports of the board of examining surgeons, June 27, 1883, that they rated him at one-fourth total for erysipelas, and for deafness one-eighth. Another board, on August 5, 1885, rated him for loss of second finger and forefinger; had erysipelas of both feet, and was obliged to use crutches.

The affidavit of James M. Brown, M. D., who treated the claimant, is also filed with the papers, under date of January 5, 1886. He states that he has frequently treated him, and that his erysipelatous condition almost disables him from his occupation as a farmer, and that he certainly deserves aid from the Government.

Your committee are disposed to give the claimant the benefit of any doubt there may be in tracing the present erysipelas and its effects to the service, and therefore report the present bill, which simply places him on the pension-roll, subject to future examination, with a recommendation that it do pass.

In addition, this committee think it proper to state that claim for pension was also based upon fever and ague, but its incurrence in service is not satisfactorily established by competent evidence.

The affidavits of Capt. George H. Hubbard and comrade George Roby show that he had a severe attack of blood poisoning or erysipelas at Falmouth, Va., in the fall of 1862, was very sick and excused from duty, and was treated in his quarters, the surgeon not sending him to hospital for some time, on account of the prevalence there of typhus fever of an alarming type. There is also evidence, medical and otherwise, showing an erysipelatous condition since discharge; that it manifested itself in his left hand, crippling some of the fingers, two of which, however, were lost by an accident in 1885. But the most serious disability appears to be in the feet and legs. The examining surgeon's reports, to which allusion is made in the Senate report, show conditions as follows:

Manchester, N. H., board, June 27, 1883:

Nails of both great toes very much thickened and distorted, growing almost at right angles with bed of nail on right foot. Nail on right foot is three-eighths thick. Extremity of toe on right foot is much enlarged. * * * Do not rate for chills and fever. Would rate for results of erysipelas, one-quarter total; for deafness left ear, if result of service, one-eighth total.

The Rochester board, August 5, 1885:

We find deformity of great-toe nails, consisting of thickening and separation ne back to skin. Undoubtedly deformity is congenital.

But, notwithstanding this physical disability found by the last bo they fail to make either a rating for the same or an adverse opini which seems to be the result of an inadvertence on their part, as blanks upon which their reports are made call for one or the other.

Your committee concur in the judgment of the Senate committee t he is entitled to be rated for such disabilities resulting from erysip as proper medical examinations may show, and accordingly recomm the passage of the bill.

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ı CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
ıt Session. } { No. 2453.

MRS. RUTH ADLEY.

MAY 18, 1886.—Laid on the table and ordered to be printed.

HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7334.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 34) granting a pension to Mrs. Ruth Adley, present the following rt:

aimant is the widow of Lorenzo P. Adley, who entered the service ıe Second New Hampshire Regiment, and was subsequently com- ıioned as a lieutenant in the Twenty-second United States Colored ıps. He was a gallant soldier, and was receiving a pension for nds at the time of his death. He was killed by an accident on a vay train.

ɔur committee cannot violate the well-established requirement that l disease must be contracted in or incident to the service, and there- report adversely upon this bill, and recommend that it lie upon the ɜ.

O

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2454.

ELIZABETH BRIDGES.

MAY 18, 1886.—Laid on the table and ordered to be printed.

AYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7946.]

ommittee on Invalid Pensions, to whom was referred the bill (H. R. 6) *granting a pension to Elizabeth Bridges, submit the following re-* *:*

imant is the widow of Asbery Bridges, a private in Company H, h Maine Regiment. Her claim rests entirely upon her own peti- o Congress, which is indorsed by the selectmen and other citizens : town of Castine, Me., and an affidavit by R. B. Brown, a ship- r.

: petition states in substance that her husband was wounded at sburg, Va., in June, 1864, and although the wound seriously af- l his health, he never applied for a pension, being ignorant of the granting pensions. In the winter of 1875, while on a voyage, as , from Castine to Gloucester, Mass., he was knocked overboard e boom and drowned. The widow is represented as being poor vith two children to support, eleven and thirteen years of age. er husband's death was the result of an accident, and not in any attributable to or connected with his Army service, and for this n this committee, following its uniform practice in similar cases, report adversely. And it may be added that even were the policy ed of pensioning widows solely upon the showing of their hus- 's service and their present needs, proper legislation would require complete and perfect evidence than the bare petition of a claimant, general indorsements, such as are presented in this case.

e committee report adversely, and recommend that the bill lie the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2455.

MARY CARR.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1473.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1473) granting a pension to Mary Carr, submit the following report:

We report the bill adversely, and recommend that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2456.

ANDREW J. DURGIN.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7944.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7944) to increase the pension of Andrew J. Durgin, submit the following report:

This claimant is pensioned at the rate of $4 per month for gunshot wound of right thigh received at the battle of Cedar Creek, Va., while serving as a private in Company I, Twenty-ninth Maine Regiment. He filed a claim for increase, alleging blindness of the right eye as a result of said wound, which claim was rejected on the ground that the disease of eye or blindness was not due to wound of thigh.

In his petition to Congress he alleges that while under treatment for his wound at the military hospital at York, Pa., the sight of his right eye began to fail him, and the surgeons in charge sent him to the Turner's Lane Eye and Ear Infirmary, West Philadelphia, and left him in charge of Dr. Kane, the head surgeon, who, after an examination, informed Durgin that the nerve of the eye was dead, and he could do nothing to help him. He remained in the infirmary, and was treated for his wound until discharged. After his discharge he filed an application for pension, and was informed by his agent that his wound would give him a full pension, which was all that he would be entitled to if he made application for loss of his eye, together with wound. With this advice he applied simply for disability from wound, resulting in a pension of $4 per month. Subsequently he applied for an increase of pension for loss of right eye, which claim was rejected "on the ground that it is not a result of gunshot wound of right thigh, for which you are pensioned. Of the existence and degree of disability from the alleged disease there is abundant proof, but there is nothing to connect it with the service." Petitioner alleges that he was a sound, healthy man when he entered the service of the United States, free from all physical diseases; never had any trouble with his eyes, either hereditary or otherwise; that trouble with the eye commenced while he was suffering from the wound, resulting in loss of sight of the right eye, and great impairment of vision of left eye. Wherefore he asks that his pension be increased to $50 per month.

The question involved here seems to be the pathological connection of the disease of the eye with the wound of the hip. The claimant asserts that the former trouble appeared coincident, or nearly so, with

the latter. It can be readily understood that this might be the fact, and still the two be entirely disconnected. This committee must be guided to a judgment by the opinion of medical experts, and the only medical testimony upon this vital point is that of the medical referee above quoted, that blindness is not due to wound of the thigh.

This committee would not feel justified in setting their own opinion against this judgment, and they therefore report the bill adversely, and recommend that it lie upon the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2457.

CHARLES J. ESTY.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4123.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4123) granting a pension to Charles J. Esty, submit the following report:

This committee has reported with a favorable recommendation Senate bill 810, rendering further consideration of this bill unnecessary. We therefore report it back to the House with a recommendation that it lie upon the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2458.

RACHEL FLEMING CELLAR.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BRADY, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 895.]

The Committee on Pensions, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, submit the following report:

Your committee, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, have examined the same and adopt the Senate report, and recommend that the bill do pass.

The following is the report by Mr. Payne, from the Committee on Pensions of the Senate, made April 14, 1886 (Senate Report No. 530), viz:

On October 24, 1881, the claimant made a declaration alleging that she was the widow of George Cellar, who had served as a private in Captain Norton's company of militia in the war of 1812 for fourteen days, and by reason of said service received a land warrant some time between the years 1850 and 1855, and refers to proof on file to procure said warrant.

There is proof that the claimant's husband was engaged some two weeks in the erection of a block house within or near the Indian boundary, and although previous to the declaration of war, was immediately preceding and obviously preparatory to it.

The claimant is worthy, advanced in years, and in straitened circumstances.

The committee recommend the passage of the bill.

O

'TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2455.

MARY CARR.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1473.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1473) granting a pension to Mary Carr, submit the following report:

We report the bill adversely, and recommend that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2460.

MARY HOWARD FARQUHAR.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LANDES, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 678.]

The Committee on Pensions, to whom was referred the bill (S. 678) granting a pension to Mary Howard Farquhar, submit the following report and recommend the passage of the bill.

Your committee adopt the report of the Senate committee, which is annexed, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 678) granting a pension to Mary Howard Farquhar, have examined the same, and report that we have carefully examined the records in this case; and as its merits were clearly set forth in a report made to the second session Forty-eighth Congress, we hereby adopt the same, amending the accompanying bill (678) by striking out of the ninth line the word "fifty," and inserting the word "forty" in lieu thereof.

[Report made at the second session Forty-eighth Congress.]

Mrs. Mary Howard Farquhar is the widow of Francis V. Farquhar, major, Corps of Engineers, and brevet lieutenant-colonel, United States Army, who died in the service. She was pensioned in 1883 at the rate of $25 per month, with $2 additional for each of three children. Some of the reasons for increasing her pension to $50 per month are set forth in the following extracts from a memorial submitted to the committee by Colonel Farquhar's brother, Commander N. H. Farquhar, of the Naval Academy:

"My brother, the late Colonel Farquhar, died suddenly, while on duty, leaving a widow and three children, all girls, with very little for their support. His services, as set forth in the inclosed memorial, to which I ask your attention, were most gallant and meritorious in war as well as in peace. On page 14 they are briefly summed up in a general order. He served the whole of the late war, commencing with the battle of Bull Run.

"In addition, Mary Howard Farquhar is the daughter of the late Maj. Gen. A. S. Williams, U. S. Volunteers, who died a few years ago while a member of Congress. General Williams served his country with great distinction in the Mexican and late civil war. Two important services in the late war might be cited which surely entitle his daughter to great consideration, first in command of a division under General Slocum at the battle of Gettysburg, and secondly in command of the Twentieth Army Corps from 'Atlanta to the sea,' under General Sherman. No pension has been asked for before in his case for his services."

General W. T. Sherman, in a letter to the Commissioner of Pensions in 1883, speaking of Colonel Farquhar's services and fatal illness, said:

"He was an exceptionally conscientious officer and gentleman, whose life was too valuable to be risked, and yet he hated to ask any favor or exemption from duty. Of course he could not move without orders, and the orders for a change came too late, for he died last summer at Detroit, of the causes which began at Washington. His life was as much a sacrifice as if he had been shot by a bullet. I am sure his widow is entitled to a pension. Major Farquhar lived his life manfully, with a confidence that the country would make provision for his family, a provision to which she is

doubly entitled, because she was the wife of a splendid officer and the daughter of General A. S. Williams, who commanded the Twentieth Corps under me from 'Atlanta to the sea,' and from Savannah to Goldsborough. Had Williams served France or Germany his children would not have been humiliated to ask for a pitiful $25 or $30 a month, but would be ennobled and rich with a nation's bounty."

In a letter to Mrs. Farquhar, referring to the above letter, General Sherman says:

"But you have a double claim as the daughter of General A. S. Williams. I have always claimed that, by our winter's campaign from Atlanta to Goldsborough, we shortened the duration of the war itself by a full year, or saved this Government a full thousand million of dollars. Your father was one of my four corps commanders, and his honest share of this 'saving' would give you 'thousands of dollars' instead of [illegible], so that through him, as also through your noble husband, you have an honest claim on the bounty of this Government. * * * In any and every event, you may rely on me as a witness or advocate of your claim and that of your children to a generous treatment by the agents of the United States."

[illegible] in the Pension Office shows that Colonel Farquhar, after graduating from the United States Military Academy, was in active service throughout the war and was afterwards engaged in important duties in connection with the improvement of the Southwestern lakes. There is an abundance of testimony from officers of high rank as to the value of his services and his conscientious devotion [illegible]

[illegible] the committee recommend the passage of the bill.

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2461.

HENRY BELLION.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LANDES, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1217.]

The Committee on Pensions, to whom was referred the bill (S. 1217) granting a pension to Henry Bellion, have examined the same, and report:

That the facts upon which this bill is founded are set forth in the report made by the Senate committee, which report is adopted as the report of this committee, and is as follows:

[Senate Report No. 611, Forty-ninth Congress, first session.]

The application of the petitioner was rejected by the Pension Office on account of his inability to furnish satisfactory testimony connecting the alleged disabilities with the service and line of duty.

The Adjutant-General's report says:

Henry Bellion enlisted on the 12th day of February, 1855, and was assigned to Company E, First Regiment of United States Dragoons, and that he was discharged February 12, 1860, by reason of expiration of service. Muster-rolls reporting him absent at present do not show nature of disability.

The Surgeon-General's report says that Private Henry Bellion, Company E, First Regiment Dragoons, was sent to hospital, Fort Walla Walla, Washington Territory, October 2, 1857, with gunshot wound.

Both the Adjutant and the Surgeon General admit that the records are defective.

The board of examining surgeons find: "A ball has struck his right leg about midway of its length, outside the tibia, and been removed." The right index finger has been injured and amputated. They also find inguinal hernia, requiring use of truss.

The soldier avers that he is unable to learn whether the surgeon of his regiment is living or dead: that many of his comrades, immediately after discharge, enlisted in the Union service, and he has never heard of them since; and that it is impossible to furnish the testimony required.

In view of all the circumstances, the committee feel that it is only an act of justice to concede some relief to this man.

The bill is reported favorably, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2462.

VALENCIA C. HUTCHINSON.

MAY 18, 1886.—Laid on the table and ordered to be printed.

MR. ZACH TAYLOR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 271.]

The Committee on Pensions, to whom was referred the bill (H. R. 271) granting a pension to Valencia C. Hutchinson, report as follows:

The facts as shown by three *ex parte* affidavits of men who allege that they are neighbors of the claimant and that they have known her for a long time, and who say they knew her husband before he joined the battalion referred to hereafter, are as follows:

That husband of claimant enlisted in Company F, Capt. C. V. Nelson, Georgia Mounted Volunteers, on 15th June, 1847, in Lumpkin County, Georgia, for the term of five years or during the war with Mexico; that said company was organized at Cassville, Ga.; that it marched from there to Columbus, Ga., where it was mustered into the service of the United States for five years or during the war with Mexico, in which it participated; that on the march from Cassville to Columbus claimant's husband was taken sick with flux and fever and died in about four days, and before reaching Columbus. Two of said witnesses attribute his sickness and death to exposure to the heat while on the march from Cassville to Columbus, Ga. There is no record evidence in this case to show any of the facts alleged in claimant's petition nor set up in the affidavits of the witnesses.

This case was rejected by the Department in 1868 because there was no record evidence on which to base the claim. The muster-rolls do not show that claimant's husband was mustered into the service of the United States.

The witnesses all show that claimant's husband died without having been mustered into the service, but while on the way to be mustered, and after the company to which he is alleged to have belonged was organized.

We recommend the rejection of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2463.

JAMES A. VAN NORT.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. ZACH TAYLOR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2534.]

The Committee on Pensions, to whom was referred House bill 2534, have examined the same, and report as follows:

Your committee think that there is not sufficient evidence to show that the claimant, James A. Van Nort, received an injury, as alleged by him, to his left knee while in the service of the United States. He was an ordinary sailor on the United States ships Savannah and St. Mary's. He states in his original affidavit that the injury was received while on the Savannah, while that vessel was at the Sandwich Islands, in 1849 or 1848. At that time, however, he was on the St. Mary's, which was at the time alleged by claimant at the Sandwich Islands. The surgeons books of the two ships fail to show any accident to any seaman of the character alleged to have been received, or of any other character to the claimant at the time said vessel was at the Sandwich Islands.

There is no proof, except the statement of claimant, that he received the injury in the line of duty, though it appears that he is now and has for ten years been incapable of performing manual labor. He was discharged in 1850 for rheumatism. He was previously discharged for a disease not necessary to mention. We recommend that this bill be rejected.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2464.

MARY I. FOSTER.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. Z. TAYLOR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4893.]

The Committee on Pensions, to whom was referred the bill (H. R. 4893) granting a pension to Mary I. Foster, report:

That all the evidence in this case shows that claimant is the daughter of a dead pensioner of the Mexican war and the sister of a commander in the United States Navy. There is nothing to show that this last-named officer died from disease contracted or wounds received in the line of duty. No reason for granting this pension is made out.

We recommend that the bill do not pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2465.

B. F. FOY.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. Z. TAYLOR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3710.]

The Committee on Pensions, to whom was referred the bill (H. R. 3710) granting a pension to B. F. Foy, report that there is no evidence on file in this case, except the petition of claimant, on which to base it, and they therefore recommend its rejection.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2466.

WILLIAM LYNCH.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRUBLE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6132.]

The Committee on Pensions, to whom was referred the bill (H. R. 6132) granting a pension to William Lynch, have examined the same, and report:

William Lynch enlisted as sergeant in Company E, Fifth Regiment United States Infantry, March 8, 1849, for five years; re-enlisted September 8, 1854, and was honorably discharged September 8, 1859. He alleges that while serving in line of duty in Utah Territory, in the winter of 1857–'58, and owing to exposure from continued sleeping upon the ground, he incurred a disability of right leg and right hip, which soon resulted in a shortening of that leg, accompanied by severe pains, which disabilities have continued to this time. Claimant at that time, and at time of filing his original declaration for pension, supposed that the disability incurred as above stated was rheumatism, and so averred. He did not place himself under the treatment of an Army surgeon, nor is there an official record of his disability.

Pierce Tobin testifies that he enlisted in said Company E, in Utah, in the summer of 1858; that he was drilled by Sergeant William Lynch, who was lame and complained of lameness and rheumatic pains contracted during the previous winter while lying on the frozen ground. The credibility of Tobin is certified to by the officer before whom he made his affidavit.

Patrick Larkin and Thomas Burke testify to having been neighbors and fellow-laborers with claimant from 1859 to 1870; and that he was suffering with some disability which he called rheumatism or inflammation of hip-joint; and that claimant was able to do only one-fourth the work of an able-bodied man. Claimant was examined April 30, 1884, by board of surgeons at Kansas City, who failed to find any disability. June 17, 1884, he was examined by Dr. D. P. Porter, of Kansas City, who found chronic inflammation and enlargement of said hip-joint and a shortening of one inch in said right leg. He estimated claimant's disability as total.

December 16, 1885, claimant was examined by board of surgeons at Leavenworth, who found, substantially, the same evidences of disability as discovered by Dr. Porter, and rated claimant at fifteen-eighteenths of total disability.

Your committee therefore report the bill favorably, and recommend that it do pass.

O

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2467.

JOHN MELLIFONT AND ELLEN RIORDON.

Y 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

. LANHAM, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8968.]

e Committee on Claims, to whom was referred the bill (H. R. 3716) for the relief of John Mellifont and Ellen Riordon, have had the same under consideration, and make the following report:

John Mellifont was a soldier in the Army of the United States from 49 to 1854. He served five years and was honorably discharged, and ttled in Texas, near Fort Clark. Mrs. Riordon is the sister of John ellifont and the widow of Thomas Riordon, who was also a soldier in e United States Army until some time before his death, which ocurred in 1867. In 1859 Mellifont and his sister became the joint owns of two ranches in the vicinity of Fort Clark, Kinney County, Texas. hey made valuable improvements on said ranches, and put in cultivaion a large number of acres of land and had gathered large flocks of attle, sheep, and goats. In the year 1866 the soldiers (colored) staioned at Fort Clark commenced depredating on the property, real and ersonal, and continued it for a number of years. They took away and estroyed fences, crops, and large quantities of timber. They appropriated stock, killing or driving off some for fresh meat. They also illed one of their herders. In consequence of these long-continued epredations the petitioners were broken up and compelled to abandon heir ranches and the cultivation of their lands.

These facts are published in the report (No. 520) made in the Forty-eventh Congress by the Committee on Claims in this case.

Your committee recommend that the claims be referred to the Court of Claims for finding of fact, and report the accompanying substitute for the original bill, and recommend that it do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2468.

MRS. MARIAN F. HAYNIE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 96.]

The Committee on Claims, to whom was referred the bill (H. R. 96) for the relief of Mrs. Marian F. Haynie, report as follows:

That H. H. Haynie, of Washington, D. C., was appointed volunteer acting master and pilot, United States Navy, April 6, 1863, and continued in active service until May 31, 1865, when his appointment was revoked, the war being over.

An act of Congress approved March 3, 1865, gave the volunteer officers of the Army three months' extra pay at the close of their service. No such provision was made for officers of the Navy; but Secretary Welles, thinking officers of the Navy justly entitled to a corresponding allowance, adopted a rule, in May, 1865, granting one month's extra pay for each year's service to the class of volunteer officers of the Navy to which Mr. Haynie belonged, by giving leave with pay, and having resignation or discharge take effect at the close of said leave. Officers who had personally resigned or been honorably discharged were restored and leave granted as above. All applications for restoration were approved up to 1868, and extra allowance obtained. Mr. Haynie did not apply until October 17, 1878. The present Secretary of the Navy (see letter to his attorney herewith) states that had he applied in proper season to the Secretary of the Navy the honorable discharge and leave requested would probably have been granted him. His only relief would seem to be in a petition to Congress and its favorable action thereon.

Your committee recommend the passage of the bill without amendment.

Reference is hereby made to the following letter of R. W. Thompson, Secretary of the Navy:

NAVY DEPARTMENT,
Washington, October 28, 1878.

GENTLEMEN: Your communication of the 11th instant, in relation to the case of H. H. Haynie, formerly an acting master and pilot in the Navy, has been received. I have no power to change or modify the order of my predecessor, issued in May, 1865, revoking Mr. Haynie's appointment. Had he applied in proper season to the Secretary of the Navy, the honorable discharge and leave requested would probably have been granted him; but after the lapse of thirteen years it cannot be done. His only relief would seem to be in a petition to Congress and its favorable action thereon.

The inclosure contained in your letter is herewith returned.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Messrs. J. E. & B. F. LLOYD,
Washington, D. C.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2469.

LAFAYETTE FOWLER.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. TRIGG, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8676.]

The Committee on Claims, to whom was referred House bill No. 8676 for the relief of Lafayette Fowler, of Carroll County, Virginia, having had the same under consideration, make the following report:

Lafayette Fowler was a distiller and owner of certain distilled spirits in the county of Carroll, Virginia. He had distilled and stored in his storehouse in said county, 145 gallons of brandy. Said storehouse was his legal and proper place of deposit for said spirits. While there, and before the tax was paid, his house took fire by accident, or some means unknown to him, the said Fowler, on February 22, 1886, and burned with all its contents, including a few goods and the said brandy. He had no insurance, and his property was a total loss. He is a poor man, and has been assessed on said brandy the sum of $130.50, together with interest and costs. He prays release from the payment of said tax penalties, &c.

Your committee are of the opinion that as the tax was not paid, and as the brandy was destroyed and never went into consumption, and the destruction was without Fowler's fault, the relief should be granted. They therefore recommend the passage of the accompanying bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2470.

TO COMPENSATE ENOCH JACOBS FOR SERVICES RENDERED TO THE DEPARTMENT OF STATE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CHARLES E. BROWN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4197.]

The Committee on Claims, to whom was referred the bill (H. R. 4197) to compensate Enoch Jacobs for services rendered to the Department of State, submit the following report:

This claim was presented in the Forty-eighth Congress (bill S. 1983), and favorably reported by Mr. Sherman from the Committee on Foreign Relations, which report is adopted by your committee, and is as follows:

The Committee on Foreign Relations, having considered the petition of Enoch Jacobs for compensation for services rendered the Department of State, beg leave to report:

That in the winter of 1871-'72 Mr. Jacobs, the petitioner, visited the island of San Domingo in the capacity of correspondent for newspapers; that while there he became acquainted with one Alexander Guridi, a naturalized American citizen, who had been for two years, and then was, restrained of his liberty by President Baez; that becoming satisfied that Mr. Guridi was suffering unjustly, Mr. Jacobs, on his return to the United States, and upon his arrival in Washington, in May, 1872, at the suggestion of Hon. B. F. Wade, laid the facts before President Grant; that President Grant instructed him to present the case, which he had elaborately written up, to Mr. Fish, then Secretary of State; that he saw Mr. Fish, and that on the 3d of May, 1872, Mr. Fish wrote to Mr. Jacobs, requesting from him the information upon which the Department might proceed to secure Mr. Guridi's release; that Mr. Jacobs furnished the Department with the required information, receipt of which was acknowledged in a letter from Mr. Fish dated May 31, 1872; that in the following July Mr. Jacobs called upon President Grant and requested to be paid for the written statement which he had sent to the Department of State, and which he had originally intended to publish in the newspapers, and valued at $500; that the President requested the Secretary of State to pay Mr. Jacobs this amount on this account; that on the 24th of July, 1872, Mr. Fish wrote to Mr. Jacobs stating that there was "no sum at the Department's disposal from which he could be paid," and that on the 1st day of February, 1882, Mr. Jacobs was advised by an official letter from Mr. J. C. Bancroft Davis, Assistant Secretary of State, "that you must resort to Congress for the recovery of the amount you claim as compensation for services rendered this Department"; that under date of April 3, 1882, Secretary Frelinghuysen, in writing to a member of the Committee on Foreign Affairs of the House of Representatives, stated that "the records of the Department show that Mr. Jacobs prosecuted his work on the paper mentioned at the desire and request of Mr. Fish, then Secretary of State; but it does not appear that he did so with promise of compensation," said letter having reference to the claim under consideration.

The committee are of the opinion that Mr. Jacobs's efforts were instrumental in securing the release of Mr. Guridi from unlawful and unjust confinement; that his services in this matter were rendered at the request of the President and the Secretary of State, and that the President promised him compensation for the same. They therefore submit a bill authorizing and directing the payment of $500 to Mr. Jacobs on this account, and recommend its passage.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2471.

NIGHT INSPECTORS OF THE PORTS OF NEW YORK AND BALTIMORE.

AY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

. C. E. BROWN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 7771.]

Committee on Claims, to whom was referred House bill 7771, submit the following report:

This bill explains itself, and as its propositions seem reasonable, practicable, and just, its passage is recommended.

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
st Session. } { No. 2472.

JABEZ BURCHARD.

18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

OWDEN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 570.]

Committee on Claims, to which was referred the bill (S. 570) for lief of Jabez Burchard, reports the same back to the House with commendation that the same do pass without amendment, and for its action to Report No. 975, accompanying House bill 2026, has for its object the same purpose.

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2473.

CORONNA, TAUSSIG AND CO. AND OTHERS.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8969.]

mmittee on Claims, to whom was referred the bill (H. R. 6310) for elief of Coronna, Taussig & Co. and others, having had the same r consideration, respectfully report:

Committee on Claims of the Senate have reported a bill to the for the relief of the parties mentioned in this bill, which report, ntains the letter of the Commissioner of Internal Revenue in re- these claims, is adopted, and is as follows:

mittee on Claims, to whom was referred the bill (S. 535) for the relief of Coronna, g & Co. and others, have had the same under consideration, and respectfully re-

aim of Coronna, Taussig & Co., and some others mentioned in the bill, were ed by the Committee on Claims of the House of Representatives at the third f the Forty-sixth Congress, and by the Committee on Ways and Means of se of Representatives at the first session of the Forty-seventh Congress, and he Senate Committee on Claims at the first session of the Forty-eighth Con- ch of which committees reported favorably.

ommittee caused to be addressed to the Commissioner of Internal Revenue a nsmitting a copy of the bill, together with a report submitted upon a similar pared at the first session of the Forty-eighth Congress by Mr. Manderson, re- such information as the records of the office afforded, properly bearing upon ims, and have received in reply a communication from the Commissioner to etary of the Treasury, setting forth the facts out of which these claims arise, mmunication is as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 6, 1886.

have the honor to inclose herewith a letter, dated January 27, 1886, received ffice from Senator John C. Spooner, of the Committee on Claims, United States inclosing a copy of Senate bill No. 235, for the relief of Coronna, Taussig & others, and a copy of a report made by the Senate Committee on Claims, ghth Congress, on a previous bill for the relief of the same parties.

pooner asks to be informed what the records of this office show as to the laims mentioned in the bill, and for such suggestions as the interests of the ent seem to demand.

acknowledged the receipt of Mr. Spooner's letters and papers, and informed I would have a report on the cases made, which, under the rules of the De- t, would be transmitted to you, and that you would doubtless forward said r a copy thereof, to him.

cords of this office show that all the parties named in the bill did, prior to when such claims would have been barred by the statute of limitation, file r the refunding of taxes alleged to have been paid on bagging and rope, or otton, and that such claims were allowed in part, and disallowed as to the er.

Prior to November 11, 1865, in most of the collection districts the tax on c was assessed and collected upon the gross weight of the bales. On that dat office addressed a letter to Assessor Webster, of the second district of Georgi thorizing an allowance for bagging and rope in assessing cotton. On the 1: December, 1865, a letter was addressed to Assessor Cooper, of the first distr Tennessee, directing a reasonable allowance for bagging and rope in assessing c This letter expressed the view that such an allowance was a matter of libe rather than of right, and that tax-payers would not be entitled to a return of already paid on tare of cotton.

The date of the letter to Assessor Webster, November 11, 1865, was afterward upon as the date from which taxes so paid would be refunded.

Numerous claims for the refunding of taxes paid on tare of cotton were filed office during Mr. Rollins's term as Commissioner, and, with but few exceptic allowed such portion of each claim as consisted of tax paid on tare of cotton November 11, 1865.

The act of July 13, 1866, authorized the deduction of 4 per cent. from the weight of each bale or package in ascertaining the weight of cotton for asses

In February, 1871, Commissioner Pleasonton decided to refund all tax paid o ging and rope, without regard to the date of the first letter authorizing an ance for tare. In consequence of this decision a large number of the parties claims had been allowed in part only by Commissioner Rollins presented new for the refunding of the portion previously disallowed. Some of these claim allowed by Commissioner Douglass before it was discovered that they were dupl but his attention being called to the fact that Commissioner Rollins had act versely as to the amounts claimed, he rejected a number of the claims pre from Memphis, Tenn., upon the ground that the action of Commissioner Rollin the cases was final, and could not be reviewed by his successor in office. The tion as to the correctness of the views adopted by Commissioner Douglass w June 18, 1883, submitted to the Attorney-General, who gave an opinion whic firmed the ruling of Commissioner Douglass. (Opinions of Attorneys-Genera 14, page 275.)

Thereafter, whenever claims were presented, if any portion thereof had be allowed by a previous Commissioner, that portion was rejected.

The claims included in Senate bill No. 535 are, with two exceptions, claims f same, or nearly the same, amounts disallowed by Commissioner Rollins as paic to November 11, 1865. In some cases new claims were presented after Commis Rollins's retirement from office, but were rejected for the reason that Commis Rollins's action thereon was final. In some cases new claims have not been pres

The two exceptions referred to are the following:

The claim of Anderson & Watson, in which the amount disallowed wa $1,070.83, and the claim of Toof, Phillips & Cirode, in which the amount disal was but $470.62. Anderson & Watson did present a claim for the refund $332.50, tax alleged to have been paid on tare of cotton, which appears not to been acted upon. It was returned for amendment, and has not since been re at this office. I am unable to say what taxes were embraced therein. Toof, P & Cirode presented a claim for $511.80, which, with the $470.62 disallowed c claim allowed in part by Commissioner Rollins, makes the amount, $982.42, nar the bill. From an examination of this claim it appears that, with the except $3.78, which has since been allowed, it is a duplicate of the claim first presente

With these exceptions the amounts named in the bill are probably the an due the claimants if the decision of Commissioner Pleasonton, which has con to be the rule of practice, is the correct rule. A careful auditing of the severa may, however, show that a less amount is due in a number of the cases.

Relief has been granted by Congress in similar cases. See the act for the re Benjamin Babb and others, 21 Statutes, 587.

The statements contained in the report prepared by Senator Manderson app be substantially in accordance with the facts known to this office.

The provisions of the pending bill are regarded as just and equitable, an disposed to recommend its passage.

I would, however, suggest the following amendments:

Lines 30 and 31 should read "four hundred and seventy dollars and sixty-two instead of "nine hundred and eighty-two dollars and forty-two cents."

Line 36 should read "Gates & Wood," instead of "Gates & Woods."

Line 63 should read "Galbreath and Stewart," instead of "Gallbreath and Ste

Line 65 should read "J. G. Bell and Brother," instead of "J. G. Bell Brothers

Line 77 should read "A. P. Dorgan," instead of "J. P. Dorgan."

Line 81 should read "Albert Strassburger," instead of "Albert Strasburger."

Line 85 should read "J. P. Dickinson," instead of "J. P. Dickerson."

Line 91 should read "W. H. Roberts and Company," instead of "William H erts and Company."

Line 105 should read "Wormeley, Joy and Company," instead of "Wormley, Joy and Company."

Line 109 should read "Foster Gwyn and Company," instead of "Foster Gwynn and Company."

Very respectfully,

H. A. ROGERS,
Acting Commissioner.

Hon. DANIEL MANNING,
Secretary of the Treasury.

It is quite clear to your committee that both justice and precedent require the allowance of these claims.

The amendments suggested in the foregoing communication are so numerous that your committee reports herewith a substitute for the bill referred to it, embodying said amendments, and recommends the passage of the substitute.

Your committee therefore report herewith a substitute for the present bill, and recommend the passage of the substitute bill, and that the present bill (H. R. 6310) be laid on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2474.

LIEUT. JOHN G. KYLE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. C. E. BROWN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1926.]

The Committee on Claims, to whom was referred House bill 1926, *submit the following report:*

It appears from the papers in the case that about April 1, 1876, First Lieut. John G. Kyle, First United States Cavalry, being absent on sick leave, at Xenia, Ohio, where his home was, died from the illness for which he had his leave of absence, leaving no means or property from which his funeral expenses could be paid. The mayor of Xenia telegraphed to the Adjutant-General in reference to the case, and was advised that the Government would not take "any action concerning his funeral, unless it should be to bear the reasonable expenses, if not provided from the means of the officer." Thereupon the deceased officer was buried in a decent and respectable manner, and the bills were forwarded to the Adjutant-General for allowance and payment, but it was held that their payment was not provided for in any appropriation. The parties who furnished the goods and performed the service are not able to lose the amount of their bills, which aggregate about $175.

In view of all the circumstances of the case, your committee believe the expenses of the burial of this officer ought to be paid, and recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2475.

S. E. SCARBOROUGH.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. W. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 3257.]

The Committee on Claims, to whom was referred the bill (H. R. 3257) for the relief of S. E. Scarborough, having considered the same, respectfully report as follows:

On the 28th day of March, 1871, in the United States district court at Savannah, Ga., the United States obtained judgment against Samuel Lindsay, security of a defaulting postmaster, for the sum of $409.77 principal. Execution issued from this judgment, and was levied upon certain land as the property of Lindsay, and in the spring of 1884 this land was sold thereunder as the property of Lindsay, and brought the sum of $106. Of this sum $14.92 was appropriated to the payment of the costs, and the balance, $91.08 was paid into the Treasury of the United States for the service of the Post-Office Department. Subsequently this execution was levied upon other lands as the property of Lindsay. S. E. Scarborough, the claimant, filed a bill for injunction in the circuit court of the United States against the United States and the marshal, in which he set up the claim that the title to the land levied on was in him, and that the tract which had been sold for $100 also belonged to him, and there being no judge accessible he was unable to stop the sale, and to keep from being dispossessed he had bought the land in at marshal's sale for $100, and in his bill he prayed that the United States and the marshal be required to refund to him that $100, as well as to enjoin the sale of the property then levied on.

On the 29th of May, 1885, a final decree was made in said bill, perpetually enjoining the sale of the land there levied on, determining that the land privately sold belonged to Scarborough and not to Lindsay, and decreeing that the United States refund to Scarborough the said sum of $91.08, which had been paid into the Treasury.

The Post-Office Department and Treasury Department have determined that without an act of Congress said amount cannot be refunded. It is clear that the United States has received and has $91.08 of the money of claimant.

Your committee recommend that the bill do pass, with an amendment reducing the amount in the bill to that sum.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2476.

JUDSON FEMALE COLLEGE.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JAMES W. REID, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 8970.]

The Committee on War Claims, to whom was referred the bill (H. R. 3172) to reimburse the trustees of Judson Female College, having considered the same, submit the following report:

At the close of the late war between the States there was in the town of Hendersonville and county of Henderson and State of North Carolina a certain stone building 103 feet in length, 45 feet in width, and three stories in height, which said building had been erected by funds contributed by various citizens in this and adjoining counties as a Baptist female college, and that the same was owned by a board of trustees, who were incorporated by an act of the legislature of North Carolina, and ratified thereby on the 11th day of February, in the year 1861. During the months of May, June, and July of 1865 the town of Hendersonville, in which said college building is located, was occupied by United States troops under the command of Major Stevens, and the said college building was then and there used and occupied by said troops as barracks; and while the same was so occupied much damage was done to said building and building material on hand, which building material was deposited in the building and on the premises, amounting to the sum of $1,132.29, as will more fully appear by an itemized statement hereto annexed.

It is satisfactorily shown to your committee that David Garren, N. Bowen, S. K. Stansill, J. P. Morgan, J. J. Blythe, D. King, James Blythe, W. D. Whitted, and David Stradley, trustees of said college, and acting as such when said damages were done, were loyal Union men during the war between the States.

The following is an itemized account of the damages sustained by the said college building and building material:

Window sash, 144 lights, at 12½ cents per light	$18 00
Window sash containing 66 lights, at 12½ cents per light	8 25
4 door shutters, at $3 each	12 00
2 door shutters, at $5 each	10 00
64 sets window sash, at $3 per set	192 00
11 door shutters (first floor), at $3 each	33 00
11 door shutters (second floor), at $3 each	33 00
12 door shutters (third floor), at $3 each	36 00
17 door shutters, miscellaneous	51 00
73 sets window facing, at $1.50 per set	109 50

51 sets door facing, at $1.50 per set	$
5,000 feet base boarding, dressed, at 1½ cents	
2,000 feet molding, 3 cents per foot	
5,000 feet flooring, dressed, at 1¾ cents	
554 feet scantling, at 1 cent	
22,500 feet sleepers and joists, at 1 cent	22
Total	1,132

Your committee therefore recommend that the said bill do lie up the table, and that the accompanying substitute therefor do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2477.

FREDERICK W. RUGGLES.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. LYMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 1001.]

The Committee on War Claims, to whom was referred the bill (H. R. 1001) for the relief of Frederick W. Ruggles, have had the same under consideration, and submit the following report:

The following is a statement of the facts in this case:

The said claimant, Frederick W. Ruggles, is a subject of the British Government, residing at Westport, in the county of Digby, Province of Nova Scotia, and Dominion of Canada, and was the owner of a cargo consisting of 638 barrels of No. 1 herring, 75 quintals of dry codfish, and other goods and articles, which said cargo was shipped on board the schooner Argonaut on or about the 23d day of August, A. D. 1861. Said schooner cleared from Westport aforesaid for Key West, in Florida, on the 27th day of August, A. D. 1861, and while on her voyage to such port, and on or about the 13th day of September, A. D. 1861, was captured by the United States steamer Susquehanna off Hatteras Inlet, sent with said cargo into New York in charge of a prize crew, and was libeled by the United States attorney as a prize of war. The said claimant appeared before the district court of the United States, sitting as a prize court, and obtained from said court a judgment in his favor, which judgment was for the return of the cargo to him, without costs against the naval captors. But an interval of six weeks having occurred from the time of the capture to the date of such release and restoration, during which time said cargo was in the hands and under the control of the captors, the fish and other perishable articles were damaged and rendered almost worthless, and many articles forming a part of said cargo were removed and have not since been seen by said claimant.

Subsequently, in the year 1872, the said claimant presented his case, by his own Government, upon memorial, to the commission appointed under the treaty between the United States and Great Britain called and known as the "Washington treaty," which commission is known as the "British and American Mixed Commission," and established his claim, as it seems to your committee, by good and competent evidence, all of which evidence, with the memorial, demurrer, and arguments, may be found in the reports of said British and American Mixed Commission, Volumes X, XVII, and XXVI, now on file in the library of the Department of State.

From an examination of the case, as found in said reports, it appears that while the whole case was presented, with evidence as to its merits, in the hearings before said commission, the merits were not considered.

The United States, by their counsel, demurred to the memorial of the claimant, as not showing a case within the jurisdiction of said commission, and specified as grounds of demurrer—

(1) That the said cargo having been discharged by the judgment of the district court, and no appeal taken from such judgment, the United States are not responsible for the acts of said United States steamer Susquehanna, and are not liable to reclamation for damages thereof;

(2) That the question of costs and damages in regard to said alleged capture having been within the jurisdiction of said district court to determine, and the said court not having awarded damages to said claimant for such detention, and no appeal having been taken from the judgment of said court in that regard, no reclamation lies before this commission in behalf of the claimant for the damages claimed in said memorial; and

(3) That the memorial sets forth no facts or circumstances establishing a claim against the United States within the provisions of the twelfth article of said treaty.

The question of jurisdiction was argued at length, and an examination of the case in the reports shows that it was the only question argued and considered, and that consequently upon that ground the claim was disallowed by the commission. It was held that until the claimant had exhausted his remedy by appeal, and finds himself still aggrieved by the judicial tribunal of last resort, he has no ground of reclamation against the United States as the worker of injustice against him. It is only in the event of final failure of justice, after pursuit of all the regular and ordinary means of redress, that any nation is to be considered as working wrong against a foreign litigant, so as to entitle him to reclamation through the intervention of his own Government. The litigant who stops short of this cannot avail himself of the provisions of the treaty.

In the case before the commission, the claimant files an affidavit setting forth the reasons why no appeal was taken from the decision of this prize court, which are, substantially, that the counsel who conducted the business for said claimant informed him that there was no necessity for taking such an appeal unless he, the said claimant, intended to commence suit in a civil court for damages; and that the said counsel gave it as his opinion that there would, without doubt, be other such claims arising in the course of the war which would be referred to arbitration, and that, being governed by such advice, no appeal was taken.

It thus appears that the claimant has had a full and fair trial of his claim, in a court of competent jurisdiction, and in the judgment of the committee he should be content. The committee does not feel that any good reason is given why an appeal was not taken. Certainly he was not induced or influenced not to appeal by any act on the part of any officer of the United States, but he acted in pursuance of his own judgment and the advice of his chosen attorney, and besides there is no reason to believe that the judgment of the district court was not correct.

Your committee recommend that the bill do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2478.

FREDERICK W. RUGGLES.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LYMAN, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill S. 187.]

The Committee on War Claims, to whom was referred the bill (S. 187) for the relief of Frederick W. Ruggles, have had the same under consideration, and submit the following report:

This bill is the same in terms and for the same purpose as H. R. 1001, which the committee has heretofore reported upon adversely. Wherefore your committee recommend that this bill do lie on the table.

O

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2479.

HEIRS OF FRANCIS I. WHEELER.

MAY 18, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RICHARDSON, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 6080.]

The Committee on War Claims, to whom was referred the bill (H. R. 6080) for the relief of the heirs of the late Francis I. Wheeler, have considered the same, and submit the following report:

This claim was before the House of Representatives of the Forty-eighth Congress, and was investigated by the Committee on Claims. Your committee find that the facts in the case are correctly set forth in the report of that committee, regularly submitted, being House Report No. 2013, Forty-eighth Congress, first session. That report is as follows:

Francis I. Wheeler, in 1865, was agent of Adams Express Company at Martinsburg, W. Va. The United States at this time was accustomed to take from newly enlisted soldiers their local bounty money and other private funds in their possession and give them instead a check-book for the amount so taken from them, promising payment by the first paymaster who should pay the regiment to which the men were assigned. A number of these check-books were in the hands of men of the Potomac Home Brigade, then at Martinsburg, but the Government was short of funds and the paymaster did not visit the regiment. They complained that their families at home were suffering for want of the money withheld from them. At the urgent solicitation of officers of the Potomac Home Brigade, Mr. Wheeler generously advanced the money due on several of these check-books, at a discount of only 5 per cent. for delay and cost of collection.

In 1866 he was repaid the amount he had advanced on several of the books, but payment was withheld on two of them—those in favor of Charles Benton and Hall Libby, of the First Potomac Home Brigade, amounting to $358, on the ground that Benton and Libby afterwards deserted or were absent without leave. The regiment was mustered out on the 29th of May, 1865, a few days after the alleged desertion. The money was advanced by Wheeler while the men were still with their regiment at Martinsburg, and in the presence and at the request of their officers. The desertion took place some time after the regiment had removed from Martinsburg. The Judge-Advocate-General has decided in several similar cases—

"That the United States was not entitled to appropriate to its own use the amount represented by certain bounty checks, although the soldiers (to whom they were made payable and who had indorsed them) had deserted. Such checks * * * remained the property of the soldiers, and the Government was merely the bailee thereof for their benefit." (Digest Decisions, p. 242, edition 1866.)

This claim seems to be entirely just, and your committee therefore recommend the passage of the bill.

Your committee now think this claim should be paid, and recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2480.

EXHIBITION OF SILK SPECIMENS.

MAY 18, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. HATCH, from the Committee on Agriculture, submitted the following

REPORT:

[To accompany H. Res. 171.]

The Committee on Agriculture, to whom was referred House resolution No. 171, having considered the same, respectfully report it back to the House with the recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2481.

NANCY CONNER.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5092.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5092) granting a pension to Nancy Conner, respectfully report:

William B. Conner enlisted August 20, 1862, and died February 2, 1863, from fever, at Nashville, Tenn.

It appears from the records of the Adjutant-General's office that on December 26, 1862, about three hundred men of the Fifteenth Pennsylvania Cavalry marched with General Stanley's cavalry on Stone River, and the balance of the regiment mutinied and refused to march, on the plea that they had been enlisted as an independent regiment for special service and would not be brigaded, and it is supposed that the within-named man was one of the mutineers. The mutineers were arrested January 2, 1863, and confined at Nashville, Tenn., until February 10, 1863, at which time they were released and returned to duty by order of Major-General Rosecrans.

The Surgeon-General reports that the soldier was admitted to No. 14, general hospital, Nashville, Tenn., February 1, 1863, and died February 2, 1863, of fever. The Adjutant-General states that the mutineers, as a body, are considered as having disobeyed a lawful command.

The Pension Office rejected the mother's claim for pension December 4, 1875, and rejection was affirmed by board of appeals December 7, 1875, on the ground that the soldier was not in line of duty at the time he contracted his fatal disease, having been then under arrest on the charge of mutiny.

The men arrested for mutiny were not released until eight days after the soldier's death.

From this it appears that at the time the soldier incurred his fatal disease he, together with a portion of his regiment, was under arrest for mutiny.

Your committee, therefore, are unable to see that death was incurred in the line of duty, the exact contrary seeming to be the case. They therefore report adversely, and ask that the bill do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2482.

MARY F. BLACK.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7405.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7405) granting a pension to Mary F. Black, respectfully report:

Thomas J. Black enlisted in Company B, Two hundred and first Regiment Pennsylvania Volunteers, August 9, 1864; was discharged June 21, 1865, and died March 3, 1872. He received a pension on account of injury to left forearm up to the date of his death.

His injury to arm was a severe cut with a knife, severing attachment of all the extensor muscles of forearm, rendering useless supinator muscles; no power of the hand and forearm.

Lieut. R. Bell swears that about June 18, 1865, while in line of duty, quelling a mob, the soldier was cut in left forearm. Dr. Jager swears—

> That he attended soldier several times from June, 1865, to March, 1872, date of death. He always had a dull, aching pain in injured arm; health somewhat broken from discharge to death; had a "drop wrist." The soldier died of nervous exhaustion, complicated with heart disease and congestion of lungs.

The cemetery records show, as sworn to by the custodian, that the soldier died of congestion of the lungs. The postmaster testifies that he is informed that the soldier died of pneumonia, not contracted in the Army.

A. K. Black testifies:

> That soldier died very suddenly, after a few hours' illness, of what the physicians called a diseased condition of the lungs, resulting from disease of heart. He never had heart disease prior to entering the Army, and never was healthy after leaving it.

His widow, Mary F. Black, applied, in October, 1876, for a pension, but the Pension Office rejected the same because the cause of soldier's death, congestion of lungs, was not due to his service in the United States Army.

In reviewing the testimony your committee are unable to trace any connection between the disease from which he died and the injury to arm for which he drew a pension. Whatever the fatal disease, whether pneumonia or heart disease, it undoubtedly originated long after his discharge.

Your committee therefore report this bill adversely, and ask that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2483.

LEWIS CHRONISTER.

MAY 18, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5437.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5437) granting a pension to Lewis Chronister, respectfully report:

This bill asks that the name of Lewis Chronister, dependent father of James H. Chronister, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Volunteers, be placed on the pension-rolls.

An examination of the case shows that the soldier did die from the effects of the wound received in the Army in line of duty. His soundness prior to enlistment and his broken-down condition after and at time of discharge from service are attested by quite a number of his neighbors.

There is nothing on file to show that the father was or was not partly dependent for support upon the soldier at any time except a transcript from the assessor's records of Adams County showing that the father from 1865 to 1874 had one house valued at $200, and from 1874 to 1883 he had two houses valued from $400 to $500.

The Pension Office rejected the claim on the ground that claimant was able to and did support himself and family in 1865.

An appeal was taken and the claim was reopened February 8, 1886. The acting chief of board of review states:

> Under the present rulings of this office the fact that the claimant was himself drafted could not be conclusive against the claim, and this is apparently the only fact now shown in the case on which the adverse action might have been based. Let another call be made for testimony showing the number and respective ages of the members of claimant's family in 1862 and 1865, and in what manner, if at all, the soldier contributed to their support. We can, with these facts shown, determine more intelligently whether there was a state of dependence under the law.

The Pension Office has not finished its action in this case, it having ordered that testimony be taken as to certain facts not fully exhibited by the evidence on file.

Your committee therefore decline to interfere, believing that the true state of the case can be ascertained by the office much more accurately than it could be by this committee. They therefore report this bill back to the House with the request that it do lie on the table.

[redacted]

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2484.

FEES OF WITNESSES AND OF JURORS IN UNITED STATES COURTS.

MAY 19, 1886.—Laid on the table and ordered to be printed.

Mr. RANDALL, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany Mis. Doc. 280.]

The Committee on Appropriations, to whom was referred the resolution of inquiry calling upon the Secretary of the Treasury to "inform the House whether all fees of witnesses and of jurors for 1883 *and prior years have been paid, and, if not, what amount thereof remains unpaid, and whether appropriations are available for the payment of the same," submit the following statement:*

The information sought is already in the possession of the House, and is contained in House Executive Documents of this session numbered 70, 210, and 225, showing that claims for witness fees amounting to $3,171.66, and for jurors' fees amounting to $87.70, for 1883 and prior years, have been allowed by the accounting officers of the Treasury and are certified to Congress for consideration, in compliance with section 5 of the act of July 7, 1884 (23 Stat., p. 254).

Under the operations of section 5 of the act of June 20, 1874, there are now no appropriations available for the payment of these claims, the section referred to being as follows:

> That from and after the first day of July, eighteen hundred and seventy-four, and each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury two fiscal years to be carried to the surplus fund and covered into the Treasury.

Your committee recommend that the resolution be laid upon the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2485.

BRIDGE NEAR DUBUQUE, IOWA.

MAY 19, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. A. J. WEAVER, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 8973.]

The Committee on Commerce, to whom was referred House bill No. 8141, *respectfully submit the following report:*

The Chicago, Burlington and Northern Railroad Company is an existing corporation and now actively engaged in the construction of a line of railroad between the cities of Chicago and Saint Paul. The road will be finished at an early date, and the company find it desirable to bridge the Mississippi River at or near Dubuque in order to form the most perfect connection.

The committee recommend the passage of substitute herewith reported, which substitute has the approval of the War Department and contains all the usual safeguards against obstruction to navigation.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2486.

ROAD ACROSS FORT RUSSELL MILITARY RESERVATION.

MAY 19, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CAREY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 8037.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8037) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie Military Reservations, submit the following report:

The committee have carefully considered this bill, and recommend that the bill be amended by inserting after the word "line," in the seventh line of the bill, the words "and subject to such restrictions," and that the bill so amended do pass.

WAR DEPARTMENT,
Washington City, May 13, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, enclosing for the views of the Department a copy of House bill No. 8037, Forty-ninth Congress, first session, authorizing the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie Military Reservations.

In reply I beg to inform you that there are no objections on the part of this Department to the passage of this bill, provided that the road crossing the reservations in question is built upon such a line and subject to such restrictions as may be approved by the Secretary of War.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. JOSEPH M. CAREY,
House of Representatives.

C

CONGRESS, Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2487.

›UX CITY AND SAINT PAUL RAILROAD COMPANY.

r 19, 1886.—Referred to the House Calendar and ordered to be printed.

.N EATON, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill S. 149.]

mmittee on the Public Lands, to whom was referred the bill (S. 149) iting a part of certain lands granted to the State of Iowa to aid in ›nstruction of railroads in that State, and for other purposes, having he same under consideration, make the following report:

bill, in brief, confers jurisdiction on the proper circuit court of ited States to hear and determine any controversy between the States, the State of Iowa, or any corporation or person, arising a grant of land to said State in aid of the Sioux City and Saint ailroad Company, and reserves to the United States such of said .s shall be found to have been patented in excess of the amount earned by said company.

Senate report, which in the main we adopt, is as follows:

cts upon which the committee rely for their justification in reporting this advocating its passage are as follows:

4, by an act of Congress approved May 12 (see United States Statutes at olume 13, page 72), a grant of lands was made to the State of Iowa to aid in truction of railroads, the first section of which grant was in language follow-

:

enacted by the Senate and House of Representatives of the United States of Amer- ngress assembled, That there be, and is hereby, granted to the State of Iowa, ›urpose of aiding in the construction of a railroad from Sioux City, in said the north line of the State of Minnesota, at such point as the said State of y select, between the Big Sioux and the west fork of the Des Moines River; said State for the use and benefit of the McGregor Western Railroad Company, ›urpose of aiding in the construction of a railroad from a point at or near the Main street, South McGregor, in said State, in a westerly direction, by the ›cticable route, on or near the forty-third parallel of north latitude until it ersect the said road, running from Sioux City to the Minnesota State line in ty of O'Brien, in said State, every alternate section of land designated by odd for ten sections in width, on each side of said roads; but in case it shall ap- t the United States have, when the lines or routes of said roads are definitely sold any section, or any part thereof granted as aforesaid, or that the right mption or homestead settlement has attached to the same, or that the same has erved by the United States for any purpose whatever, then it shall be the duty ›cretary of the Interior to cause to be selected for the purposes aforesaid, from ic lands of the United States nearest the tiers of sections above specified, so nd in alternate sections or parts of sections, designated by odd numbers, as equal to such lands as the United States have sold, reserved, or otherwise ated, or to which the right of homestead settlement or pre-emption has at- s aforesaid, which lands thus indicated by odd numbers and sections, by the ı of the Secretary of the Interior, shall be held by the State of Iowa for the purposes aforesaid: *Provided,* That the land so selected shall in no case be more than 20 miles from the lines of said roads: *Provided further,* That any

[illegible] and act is as follows:

[illegible] further enacted, That the lands hereby granted shall be dispo[illegible] purposes aforesaid only, and in manner following, namely [illegible] governor of said State shall certify to the Secretary of the Interior that [illegible] consecutive miles of either of said roads is completed in a good, sub[illegible] manner, as a first-class railroad, then the Secretary of the [illegible] State patents for 100 sections of land for the benefit of the r[illegible] 10 consecutive miles as aforesaid. When the governor of s[illegible] another section of 10 consecutive miles shall have been com[illegible] the Secretary of the Interior shall issue patents to said State [illegible] number; and when certificates for the completion of additi[illegible] consecutive miles of either of said roads are from time to time made [illegible] sections of land shall be patented as aforesaid until said roads [illegible] completed, when the whole of the lands hereby granted shall be [illegible] purposes aforesaid and none other: *Provided*, That if the said M[illegible] Company, or assigns, shall fail to complete at least 20 mil[illegible] each and every year from the date of its acceptance of the g[illegible] this act, then the State may resume said grant and so dispose of [illegible] completion of a road on said line and upon such terms, wit[illegible] State shall determine: *Provided further*, That if the said roads [illegible] within ten years from their several acceptance of this grant, the s[illegible] and not patented shall revert to the State of Iowa for the pu[illegible] completion of the said roads within such time, not to exceed fi[illegible] such terms as the State shall determine: *And provided further*, T[illegible] not in any manner be disposed of or incumbered, except as the s[illegible] under the provisions of this act; and should the State fail to compl[illegible] five years after the ten years aforesaid, then the said lands undis[illegible] shall revert to the United States."

[illegible] sections of the grant are not regarded material to a full unders[illegible] which your committee have been guided in reaching their con[illegible] omitted.

[illegible] seventh general assembly of the State of Iowa, by act approved April [illegible] grant, and as to the line of road first named in the granting act [illegible] here and the subject of the bill now under consideration), c[illegible] upon the Sioux City and Saint Paul Railroad Company, upon cert[illegible] expressed but not necessary to be here stated. This act of t[illegible] also authorized the Sioux City and Saint Paul Company to d[illegible] point on the south line of the State of Minnesota to which s[illegible] built.

[illegible] of the provisions of this act of the legislature was filed with [illegible] State of Iowa September 20, 1866. Another act of the same general a[illegible] April 20, 1866, provides that where any lands are patented to the S[illegible] grant, they shall be held in trust for the railroad company entitled [illegible]

by the Dubuque and Sioux City Railroad Company from Dubuque, on the Mississippi River, to Sioux City via Le Mars, so that at the date of the beginning of the construction of the Sioux City and Saint Paul Railroad a railroad already existed and was being operated between Le Mars and Sioux City.

When, therefore, the Sioux City and Saint Paul Company had completed its line to Le Mars, instead of continuing the construction of its road to Sioux City it made an agreement with the Dubuque and Sioux City Railroad Company whereby the latter company permitted the former company to run its through trains from Le Mars to Sioux City over its track, the Sioux City and Saint Paul agreeing in consideration therefor not to continue the construction of its road from Le Mars to Sioux City, and not to do any local business, passenger, freight, or express, between these two points, which agreement has to this day been carried out and still exists.

As before stated, the length of railroad between the south line of Minnesota and Le Mars is $56\frac{13}{100}$ miles. The governor of Iowa certified to its proper completion in sections of 10 miles, as required by the act of Congress, as follows: On July 26, 1872, to the completion of two sections of 10 miles each; on August 10, 1872, to the completion of one section of 10 miles; on February 4, 1873, to the completion of two sections of 10 miles each. No certificate of completion was ever made by the governor covering the fraction of a 10-mile section, to wit, $6\frac{13}{100}$ miles of road built from the terminus of the last 10-mile section certified by the governor to Le Mars.

Lands under the grant were patented to the State of Iowa as follows:

	Acres.
List 1, patented October 16, 1872, contained	191,464.04
List 2, patented June 17, 1873, contained	205,574.76
List 3, patented January 25, 1875, contained	10,911.41
List 4, patented June 4, 1877, contained	160.00
Total	407,910.21

The last patent was for lands awarded in lieu of lands taken by settlers, and which were claimed to belong to the railroad company under the grant.

Of the lands so patented 212,067.66 acres are within the grant "in place"—that is, composed of the odd-numbered sections within 10 miles on each side of the road as supposed to have been located; and 195,842.55 acres were patented as indemnity—that is, in lieu of odd-numbered sections within 10 miles on each side of the road as above, which had been taken by settlers or otherwise at the date of the location of the line of road. Indemnity lands could be taken from any public lands nearest the odd sections so lost to the company "within 20 miles from the line of said road."

The company was entitled to 10 sections or 6,400 acres of land for each mile of road constructed and embraced within a section of 10 continuous miles. The construction of 5 sections of 10 miles each, as certified by the governor of Iowa, entitled the company to 500 sections, or 320,000 acres, if all the sections were full. This leaves out of account the fractional section of road of $6\frac{13}{100}$ miles in length, and to which reference will hereafter be made.

By an act of the fifteenth general assembly of the State of Iowa, approved March 13, 1874, the governor was "authorized and directed to certify to the Sioux City and Saint Paul Railroad Company any or all lands which are now held by the State of Iowa in trust for the benefit of said railroad company, in accordance with the provisions" of the act of April 20, 1866, heretofore referred to.

But before the passage of this act there had been certified to the railroad company of the lands so granted to the State 322,421.91 acres, being an excess of 2,421.91 acres over the quantity possible to be earned by building the five full sections of road of ten miles each. No lands were certified under the provisions of the act last above mentioned.

The number of acres of land patented to the State and which have not been certified to the railroad company is 85,457. These lands have been claimed by the railroad company, and the Secretary of State of Iowa, in his report, for 1883, says:

"The president of said railroad company made an application in person for conveyances of all the lands that had been patented to the State for building said road, but the State authorities withheld 85,457.40 acres of the said lands because said road was not completed in accordance with the requirement of the act of Congress."

To this 85,457.40 acres the railroad company has never had any conveyance, either by deed, certification, or otherwise, either from the General Government or from the State of Iowa.

All the said railroad between the southern line of Minnesota and the city of Le Mars (being the entire amount ever constructed by said company under said grant) was so constructed within the time named in the act of Congress granting land for the completion of the entire line.

The line of definite location of said Sioux City and Saint Paul Railroad, as show by the map of the same on file in the General Land Office, is, for most of the distan from the Minnesota State line to a point opposite Le Mars, about six miles west of th line as constructed.

After it became known that the governor could not or would not certify additions lands to the railroad company under the State law of 1874, above quoted, the convic tion that the lands patented to the State of Iowa, and which had not been certified t the railroad company, were public lands of the United States, became prevalent, an settlers began to go upon and improve them. A loud demand was made that the should be reconveyed by the State to the United States, and the legislature of Iow did thereupon pass the following act:

CHAPTER 107.—AN ACT to resume all the lands and rights conferred upon the Sioux City and Sain Paul Railroad Company by or under an act of Congress, approved May 12, A. D. 1864, to lands no heretofore earned by said company.

Whereas, by an act of Congress, approved May 12, A. D. 1864, entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," certain lands were granted to the State of Iowa for the purpose of aiding in the construction of a railroad from Sioux City, in said State, to the south line of Minnesota, at such point as the said State might select, between the Big Sioux and the west fork of the Des Moines River, which grant was made to, and accepted by, the State of Iowa upon the conditions, restrictions, and qualifications therein named; and

Whereas, by an act of the general assembly of the State of Iowa, approved April 3, A. D. 1866, so much of the lands, interests, rights, powers, and privileges as were or might be conferred, in pursuance of said acts of Congress, to aid in the construction of the aforesaid road, were disposed of, granted, and conferred upon the Sioux City and Saint Paul Railroad Company; and

Whereas said act of Congress further provides that if the road accepting said grant is not completed within ten years from its acceptance thereof, the lands thereby granted and not patented should revert to the State of Iowa for the purpose of securing the completion of said road; and

Whereas said Sioux City and Saint Paul Company duly accepted said grant on the 28th day of September, A. D. 1866, but has failed to complete or cause to be completed any road on the line adopted therefor, from Sioux City to Le Mars, in said State of Iowa, or any road in lieu thereof:

SECTION 1. *Be it enacted by the general assembly of the State of Iowa*, That all lands, and all rights to lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company by said acts of Congress, and of the general assembly of the State of Iowa, which have not been earned by said railroad company by a compliance with the conditions of said grant, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are absolutely vested in said State as if the same had never been granted to said railroad company.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Sioux City Journal, newspapers published in the State of Iowa.

Approved March 16, 1882.

This act operated to divest the State of Iowa of all title to the lands patented to it and uncertified in so far as they were lands not earned by the railroad company. But for the purposes of the controversy then existing the question as to whether the company had earned any portion of these lands by the construction of the 6.13 mile section was undecided.

Meanwhile the General Land Office had become interested, and the Commissioner addressed the following letter to the governor of Iowa:

GENERAL LAND OFFICE,
Washington, D. C., March 7, 1882.

SIR: By letter from the Secretary of the Interior, dated the 3d instant, I was directed to lay before you a copy of my report to him of January 12th last, in relation to the Sioux City and Saint Paul Railroad, and to request that you furnish this office with a detailed and particular statement of the condition of said road, and of the road from McGregor to Sheldon, now known as the Chicago, Milwaukee and Saint Paul Railway, and also of the lands granted to the State of Iowa by act of Congress approved May 12, 1864, as shown by the State records.

I am also directed to request that you indicate what your action may be in regard to the surrender of the patents issued to the State for the Sioux City and Saint Paul Company, for lands which have not been earned by said company. A list of the land patented for, but withheld from, the latter company, and a statement of the reason for withholding them, is more particularly desired.

I inclose a copy of my report of January 12, 1882, aforesaid, and of the Secretary's letter of the 3d instant, and have to request your early attention to the subject-matter thereof.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. BUREN R. SHERMAN,
Governor of Iowa.

This letter was furnished to the register of the State land office, who furnished the required information. Subsequently the Secretary of the Interior took the matter up and addressed the following letter to the Governor of Iowa:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1883.

SIR: On the 7th day of March, 1882, the Commissioner of the General Land Office addressed a letter to you in relation to certain lands in your State, granted to the State by the United States to aid in the Sioux City and Saint Paul Railroad, and the road from McGregor to Sheldon, now known as the Chicago, Milwaukee and Saint Paul Railroad, under the act of May 12, 1864. (13 Stat., 72.)

In reply to that letter Hon. J. K. Powers, register of your State, addressed a communication, November 22, 1882, to the Commissioner, which has been referred to me by him, accompanied with a statement from the General Land Office, together with a copy of the letter addressed to you March 7, 1882.

Referring to these several communications, it appears that the Sioux City and Saint Paul Railroad Company built 56¼ miles of road. This would entitle the company *prima facie* to 360,000 acres of land. But 70,345.67 acres of the above amount fall within the ten-miles limit of both roads, and by the decision of the United States circuit court for Iowa (which is in accordance with the rulings of this Department) each road takes a moiety. The grant is thus diminished by one-half (35,172.83 acres) of the amount of lands falling within the common ten-mile limits of both roads, leaving 324,827.17 acres as the amount earned. There have been patented to the State for the benefit of said Sioux City and Saint Paul road 407,910.21 acres, from which amount should be taken 40 acres twice patented. The excess, then, of patented lands above the amount the company has earned is 83,043.04 acres. Four patents containing these lands (407,910.21 acres) were issued between October 16, 1872, and June 8, 1877, and as to such excess were issued inadvertently, as the Secretary of the Interior had no authority under the granting act (section 4) to issue patents except upon completion of "any section of ten consecutive miles."

The register in his report of November 22, 1882, states that 85,457.40 acres have been witheld from conveyance to said company by the State on account of the failure of the company to complete the road as required by the act of Congress making the grant.

The State of Iowa, by an act of her general assembly, approved March 16, 1882, resumed to the State all "lands granted or intended to be granted to the Sioux City and Saint Paul Railroad Company," by "acts of Congress and of the general assembly of the State of Iowa," because said company had failed to complete said road within ten years from date of the acceptance of the grant.

The act of Congress making the grant contains the following proviso, viz:

"*Provided further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the State of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the State shall determine: *And provided further*, That said lands shall not in any manner be disposed of or incumbered, except as the same are patented under the provisions of this act; and should the State fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States." Therefore the 83,043.03 acres of land aforesaid, not having been earned within the ten years by said company by the completion of said road, and not having been used or disposed of by said State within five years after the lapse of said ten years, reverted to the United States.

The State (although regarding the question as unsettled) does not, it would seem, decline to restore such lands to the United States, but in reply to the letter of March 7, 1882, addressed to you, the register states it would be improper to surrender the patents in accordance with the request of the Commissioner, because such patents contain as well the lands which have been earned and transferred to the said company as those which have not been earned and were withheld and are resumed by the State.

He further states that "the governor would not even have authority to relinquish to the General Government any of these lands patented to the State without an act

o the State to aid in the construction of said railroad, and which have not been patented by the State to the Sioux City and Saint Paul Railroad Company, and the list of land so certified by the governor shall be presumed to be the lands relinquished and conveyed by section 1 of this act: *Provided*, That nothing in this section contained shall be construed to apply to lands situated in the counties of Dickinson and O'Brien.

SEC. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Sioux City Journal, a newspaper published at Sioux City, Iowa.

Approved March 27, 1884.

After the passage of this act the railroad company sued out of the State district court of Woodbury County, Iowa, a temporary injunction against the governor of the State, restraining him from certifying to the Secretary of the Interior the lands which the legislature directed him to so certify, and no certification of the lands relinquished by the State of Iowa has ever been made to the Interior Department.

The foregoing are believed to be the material facts in the case. Extended argument would seem to be unnecessary.

The granting act provides specifically that if the road should not be completed within the time named in the act (which has long since elapsed) the lands undisposed of should revert to the United States. The State of Iowa has done all in its power to convey to the United States, by means of the acts above quoted, all the interest originally conveyed by patent from the United States. It is probably necessary, further, that the United States should declare a forfeiture of the unearned lands and assert the reversionary interest provided for in the original act. This the bill reported by the committee provides for.

The State of Iowa, being a naked trustee, without interest, it is not claimed that her action in reconveying to the United States the lands, the subject of the trust, can defeat the railroad company, the beneficiary of the trust, of its rights therein.

The question remains therefore to be settled now, just as it would have been if Iowa had not reconveyed, what lands the company have earned by a compliance with the act of Congress. Such lands covered by the grant as they have not earned revert to the Government. It is probable that the company fairly earned ten sections to the mile for the first 50 miles of road constructed, and there can be no claim for lands for any portion of the line between Le Mars and Sioux City, for no road was constructed between those points.

The chief controversy, then, is as to the claim of the company asserted before the committee, and in the last Congress, to lands for the $6\frac{3}{10}$ miles of road by them constructed and for which no lands were certified by the governor. The authority of the governor in the premises was derived from the act of Congress. Under this he could only certify to the completion of the road in sections of ten consecutive miles. Any act outside this authority would have been void. The governor therefore could not have certified to the construction of the six miles, and without his certificate there could be no lands patented. But even if the Interior Department could have acted independently of the governor, it was circumscribed exactly as the governor was, because it could only patent lands as the road was completed in sections of ten miles. Thus it is inevitable that there must be legislation before the railroad company can get lands on account of the construction of the six miles—that is, if it is to have the lands at all.

The company ask Congress to pass an act affirmatively giving lands for the six miles —that is to say, practically making a new grant, for that is the complexion of it if the original act does not give the lands to the company; and if that act does give the lands to the company then all that is necessary is some proper and effective means of declaring what the law is and enforcing it. The only way to do this is by a suit in the proper court. This the bill of the committee provides for.

The company claim that to have built from Le Mars to Sioux City would have been a useless waste of money, for a road already existed between these places; that they were therefore warranted in stopping at Le Mars and claiming lands for the six mile fraction, and especially because they made a running arrangement whereby through trains were run to Sioux City, the terminus fixed by the granting act. To this it is replied:

That the company did not need to build to Le Mars at all. It had a scope of more than fifty miles within which to fix its initial point on the southern line of Minnesota, and could have so located its line as to have run far to the east or to the west of Le Mars, and built through to Sioux City in compliance with the terms and intentions of the act of Congress, leaving ample distance between its own and the line of the other company to obtain ample local business for the support of its line.

The fact that the road of the Dubuque and Sioux City company was nearly completed before the Sioux City and Saint Paul commenced construction is evidence suf-

[illegible] to support the belief that the latter company built to Le Mars with the pur- [illegible] and with the intent of stopping there and getting the benefit of a line of road to [illegible] without constructing it, as called for by the act of Congress.

[illegible] with their eyes open, they should be obliged to accept of [illegible] consequences of the same. They consulted their own interest in order to de- [illegible] the intention of the act of Congress, and cannot now be permitted to plead a lack of [illegible] in order to obtain new rights. Neither can the [illegible] with the Dubuque and Sioux City Railroad Com- [illegible] between Le Mars and Sioux City, and not to build to Sioux [illegible]

[illegible] contract, so clearly against public policy and so [illegible] under which the lands were granted, [illegible] of the entire grant if known and availed of at the [illegible] to be a full and complete offset and an- [illegible] is pleased to call "equitable consideration" [illegible] to the bill under consideration is evidence [illegible] to any lands for the six miles under the law [illegible] oppose a bill which submits every question at is- [illegible]

[illegible] that the rights of the Government and [illegible] why oppose it now that it is in shape to go [illegible] company hope to postpone the final settlement [illegible] and injured by lack of title, will pay [illegible]

[illegible] purchasers of land from the railroad [illegible] in good faith for homestead purposes [illegible] 160 acres to any one person, at the [illegible] considered of doubtful propriety, as the [illegible] of it, there is no equity against [illegible] under it. But the committee are advised that [illegible] who could claim the benefit of this provision, [illegible] any other actual settler.

[illegible] settlers who went upon them in good faith, [illegible] homes, such persons are protected by the [illegible] by the court to belong to the National Gov- [illegible]

[illegible] there can be no valid objection to the passage of [illegible] they are entitled to land for the six-mile [illegible] in favor the bill, for under it their claim, if [illegible] they are not so entitled they ought to know that [illegible] lands on account of such construction, for the [illegible] will not give the company the lands it de- [illegible] the bill will settle a controversy that will grow [illegible] and which will not cease, and should not [illegible] as will result in the final declaration of [illegible] lands in question.

[illegible] the prompt and cordial assent of the committee [illegible] ordinary and inevitable sentiment prevailing among [illegible] men struggling for the possession of homes [illegible] against the possession of the ample capital and widespread [illegible] and legislation and the unscrupulous methods [illegible]

[illegible] neither fear nor favor, the bill deserves [illegible] at the earliest possible moment.

The following amendment to the bill, as reported by the committee, was adopted in the Senate:

Nothing in this act contained shall be construed to embrace or involve in the liti- [illegible] and carried on under the provisions hereof any lands which the Supreme Court of the United States shall decide, in the cause now in said court pend- [illegible] on appeal from the circuit court of the United States for the district of Iowa, in which the Sioux City and Saint Paul Railroad Company is appellant and the Chicago, [illegible] and Saint Paul Railway Company, John H. Gear (governor), and others [illegible] spondents, to have been earned by the Chicago, Milwaukee and Saint Paul Rail- [illegible] company by the construction of the portion of the land-grant railway from Mc- [illegible] Iowa, to a point of connection with the Sioux City and Saint Paul Railroad at [illegible] in O'Brien County, Iowa.

In the same act referred to above, Congress made another grant in hese words (see section 1 of the granting act):

Also, to said State for the use and benefit of the McGregor Western Railroad Comany, for the purpose of aiding in the construction of a railroad from a point at or near he foot of Main street, South McGregor, in said State, in a westerly direction, by the ost practicable route, on or near the forty-third parallel of north latitude, until it hall intersect the said road running from Sioux City to the Minnesota State line, in he county of O'Brien, in said State, every alternate section of land designated by odd umbers for ten sections in width on each side of said roads.

The two grants are the same in quantity per mile and general restrictions.

As these roads intersected each other practically at right angles, the ne running nearly north and south, the other nearly east and west, here were bound to be overlapping limits at and near the point of inersection, both as to the primary and indemnity limits. Litigation enued between the roads to determine their respective rights, and the ourse was pending in the Supreme Court of the United States at the ime of the adoption of said amendment and the passage of the bill in he Senate.

It may not be improper to remark that the cause has since been decided, giving each road substantially a moiety of the granted lands in the overlapping limits, but nothing was decided except as to the respective rights of the two roads.

The McGregor, or Chicago, Milwaukee and Saint Paul Railroad, as it is now called, was completed in its entire length of 227 miles from McGregor to the intersecting point within the term limited by the act of Congress making the grant; hence as to that road there is no controversy, especially as it has not yet received as much land as it was entitled to, under the grant, mostly on account of rulings now found to be erroneous, formerly made by the Interior Department and arising out of this vexed question of overlapping limits.

Your committee therefore report the bill back as it came from the Senate, and recommend that it do pass.

O

T OF WAY THROUGH THE INDIAN TERRITORY.

19, 1886.—Referred to the House Calendar and ordered to be printed.

ɛ, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 1486.]

ittee on Indian Affairs, to whom was referred the bill (S. 1486) the Denison and Washita Valley Railway Company a right of ough the Indian Territory, and for other purposes, respectfully

ıey have examined said bill, and find it to be exactly similar bill No. 6388, heretofore favorably reported by the Committee Affairs (Report No. 769), with the exception of one word added ıate bill. In the Senate bill the word "fences" is added after "all" in the fifth line of the ninth section, and the word "road" :th line of the same section as they occur in the committee's bill. The committee recommend that the original House bill, and the substitute therefor, No. 6388, favorably reported by ıittee, be laid upon the table, and that the Senate's bill, here-ırted back to the House, be passed instead of the substitute by the committee.

nmittee's report No. 769, heretofore submitted to accompany e bill referred to, is adopted and asked to be made a part of t.

[House Report No. 769, Forty-eighth Congress, first session.]

tee on Indian Affairs, to whom was referred the bill (H. R. 4764) to grant to the nd Washita Valley Railway Company a right of way through the Indian Terri- for other purposes, respectfully report:

y have examined into the facts relating to the character of the company right of way, and the ability of the people engaged in the enterprise to the object proposed, and find:

said Denison and Washita Valley Railway Company is a corporation duly ınd existing under the laws of the State of Texas, and that the parties en- e enterprise are amply able to build the road proposed, and earnestly de- ɔ as soon as authority is granted.

line of road proposed to be constructed is of great importance to the people ons of country sought to be connected by it. It passes through a portion an Territory in which there are large deposits of excellent coal that is ɔd by the people of Northern Texas, who are now paying more than double ; which coal can be profitably laid down at their doors as soon as this ıtructed.

timber along its line, now valueless, is and will be much needed by the ıking to reach it by means of this road.

That the State of Texas now has but two outlets by rail to the Northern and Eastern markets, and they are both largely controlled by the same owners.

That the road sought to be built will secure to Texas an independent and competing outlet for its rapidly increasing commerce. It is about 65 miles in length, and will connect the Saint Louis and San Francisco Railway with the three lines of road in Texas now having their northern termini at Denison, to wit:

The Houston and Texas Central, running from Houston through Central Texas to Denison; the Denison and Pacific, which, with its connections, penetrates Mexico at Laredo; and the Denison and Southeastern, which connects with the International and Great Northern Railway system and all Eastern Texas.

That the people asking the franchise are not speculators, but are largely interested in the welfare and commercial prosperity of the sections of country and cities sought to be connected, being citizens of Saint Louis, Mo., on one side, and Texas on the other, and are earnestly seeking the advantages incident to competition in transportation.

That the committee have conferred with the Senate Committee on Indian Affairs, having like bills under consideration, and have formulated a substitute with a view to more carefully guard the rights and interests of the Indian nations through whose lands the route passes.

We believe it to be the duty of Congress to give every possible encouragement to all laudable enterprises looking to the employment of the idle labor and hoarded capital of the country, and to remove all obstacles in the way of commerce between the States.

The committee therefore report back the original bill and ask that it lie on the table, and report the accompanying substitute and recommend its passage.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2489.

REAPPORTIONING THE TERRITORY OF NEW MEXICO.

MAY 19, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. PERRY, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill H. R. 8288.]

The Committee on the Territories, to whom was referred the bill (H. R. 8288) to reapportion the Territory of New Mexico, beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2490.

WILLIAM J. SMITH.

MAY 19, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 13.]

The Committee on Claims, to whom was referred the bill (S. 13) for the relief of William J. Smith, late surveyor of customs for the port of Memphis, State of Tennessee, having had the same under consideration, respectfully report:

This bill is identical with the bill (H. R. 4275) as proposed to be amended by report (No. 2273) from this committee and already on the Calendar with a recommendation that when so amended it do pass.

The committee therefore report this bill back to the House without amendment to be placed on the Calendar and considered in connection with the House bill on the same subject and the report thereon already referred to.

[redacted]

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2491.

ESTATE OF ISAAC P. TICE.

MAY 19, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. TRIGG, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1671.]

The Committee on Claims, to whom was referred the bill (H. R. 1671) for the relief of the administrators of Isaac P. Tice, deceased, submit the following report:

This case was favorably reported by the Committee on Claims of the Senate in the Forty-eighth Congress, and by the Committee on the Judiciary of the same Congress. It has also been favorably reported by the Senate Committee on Claims for this Congress (Senate Report No. 422). This latter report adopts the report of the Committee on the Judiciary of the House, Forty-eighth Congress (House Report No. 1972), and your committee, upon full consideration of said case, also adopt said report, which is as follows, viz:

The Committee on the Judiciary, to which has been referred House bill 5092, beg leave to report:

Isaac P. Tice invented a meter which, when attached to a distillery, measured the quality and strength of spirits distilled. It was adopted under the act approved March 2, 1867 (14 United States Statutes, 481).

The facts of the case and the law arising thereon are fully stated by Mr. Justice Harlan in the case of Tice *vs.* United States in the Supreme Court (92 United States Reports, 286) on appeal from the decision of the Court of Claims (13 Court of Claims Reports, 112).

The committee cannot do better than insert the whole judgment of the Supreme Court, which is as follows:

"By an act approved March 2, 1867 (14 Stat., 481), the Secretary of the Treasury was authorized to 'adopt, procure, and prescribe' for use hydrometers, weighing and gauging instruments, meters, or other means for ascertaining the strength and quality of spirits subject to tax, or for the prevention or detection of frauds by distillers of spirits.

"On the 18th April, 1867, the Secretary adopted the Tice meter, and prescribed its use in distilleries, upon certain agreed conditions fully set forth in a letter to the inventor. Among those conditions were these: 'The Secretary of the Treasury holds himself at liberty at any time to adopt any improvement or modification of the meter or system, or at any time to revoke the order adopting the meter, and to discontinue their manufacture on behalf of the Government. If the first meter shall prove successful when subjected to the test above set forth, and the Government shall subsequently revoke the adoption of the meter and order a discontinuance of proceedings, you will be paid such sum as may be determined upon in the manner hereinafter stated, for all instruments which you may have completed, or have in process of completion at the time of revocation; provided that at no time shall you have more than twenty sets in process of manufacture at any one time, unless directions shall be given hereafter for the manufacture of a larger number.'

"By joint resolution passed February 3, 1868, Congress directed the appointment, by the Secretary of the Treasury, of a commission which, in connection with the then

[illegible] immediately made ready to [illegible] commissioner as soon as possi[illegible] [illegible] to be provided with [illegible] process of [illegible] the Commissioner o[illegible]

[illegible] in office, [illegible] or to revoke [illegible] a disconti[illegible]

[illegible] discontinuance of [illegible] and required distille[illegible] meters adapted [illegible]

[illegible] Commissioner addressed to Ti[illegible] instructions and regu[illegible] relating to the ordering and shipment and [illegible] for use in distilleries, remain in [illegible] also those you may now have [illegible] twenty sets." In that letter the [illegible] prescribed, addressed to [illegible] to construct, or proceed with [illegible] those of September 16, 1868, are [illegible] and orders have been prescrib[illegible] understood that neither [illegible] Department or officer thereof is or w[illegible] meters, or the attachment or a[illegible]

[illegible] made on June 7, 1871, the further use of Tice's spi[illegible] orders prescribing the same were [illegible] hand 14½ sets of meters, worth $25,000, [illegible] 1873, the estate of Tice rendered a[illegible] the 15th of April, 1873. The account was app[illegible] payment being refused, this action was brough[illegible] for the recovery of the sum claimed.

[illegible] a judgment in the Court of Claims in favor of the Government th[illegible]

[illegible] with the learned counsel for appellants in the proposition tha[illegible] made on the 18th of April, 1867, by the Secretary of the Treasury with[illegible] by the joint resolution of February 3, 1868. By the terms of [illegible] was only suspended until final action by the commission, whose r[illegible] as the foundation of a statute which would designate the kind [illegible] should be adopted. But express authority to make a new contract [illegible] by the act of July 20, 1868, upon the Commissioner of Internal Revent[illegible]

not presume that the contract of September 18, 1867, was intended to establish ·rent rule of compensation to the inventor. But we do not perceive, however, all this justifies the conclusion that the Government was under any legal obliga- o pay for the meters which Tice had on hand on June 8, 1871, and for the value ich the account in question was presented. By the express words of the agree- of September 18, 1868, the Commissioner had the right at any time to revoke rder adopting the meter, and to direct the discontinuance of its manufacture on lf of the Government. That power was partially exerted by the order of June 7, which dispensed with the further use of all Tice meters, except the sample me- or the automatic meters adopted for use as sample meters.

But the power of revocation and discontinuance was fully exerted by the sweep- order of June 8, 1870, which, reserving the rights of Tice as to all meters thereto- delivered, and as to such as were then on hand or in process of construction, not eeding twenty sets, revoked all previous regulations which directed or authorized inventor to construct, or proceed with the construction of, or to furnish, meters, d especially the regulation of September 16, 1868. By that order distinct notice given to the patentee that neither the Government of the United States nor any epartment or officer thereof was or would be responsible for or on account of any irit meters, or the attachment or adjustment thereof. The order of June 8, 1870, d not, perhaps, discontinue the use of meters altogether, but it clearly furnished otice that the patentee could not look to the Government for protection or reim- nsement as to any meters *thereafter* constructed by him and used by distilleries. The meters for which the account was rendered were on hand on June 8, 1871, when l existing orders prescribing the same for use were absolutely revoked and the further se of Tice meters discontinued. Had they been on hand and in the process of con- truction at the date of the order of June 8, 1870, we would not doubt the liability of he Government for their value. But no such fact is found, and we suppose no such act could have been established.

"While we do not agree with the court below in all the reasons assigned in support f the conclusion reached, we think its judgment is in accordance with the law, and is affirmed."

It thus appears that had the claimant's administrator proved that Tice had the 14½ eters on hand on the 8th of June, 1870, the recovery would have been allowed.

It will be seen that the estate of Tice presented this claim to the Government April , 1873, which was approved by the then Commissioner, but not paid. This fact shows at Tice had died before that date. His attorney became ill, and the papers of the torney were in such confusion as to disable the administrator of Tice to get at the cts which were evidenced by the papers. And it seems that the case was supposed turn upon the question whether the meters were on hand in July, 1871, and not at e prior date of June 8, 1870. They were no doubt on hand in July, 1871, and the ly question is, under the decision of the Supreme Court, were they on hand in ne, 1870?

Depositions have been laid before the committee of four witnesses to supply this oof, and are persuasive to that result; and the question remains, Shall the admin- rator be allowed a hearing in the Court of Claims, where he may establish this fact? There is no sufficient ground, perhaps, accounting for the failure to prove this fact, induce a court to award a new trial, even were a motion made for the purpose in e time. But your committee do not think that the leave should be denied by the vernment when there may be proof furnished to establish a just claim under con- ct by a citizen against it. Where there is no fraud, and the evidence may be sifted a court, your committee sees no danger to result from allowing a rehearing at all mparable with the injustice of denying it to a real creditor of the Government, d under these circumstances such relief should be extended to the claimant.

A second claim for about $140,000 is now presented, based upon the alleged fact at the Commissioner of Internal Revenue, by an order in January, 1869, directed e collectors to take the certificates of deposits in the collector's name from the dis- leries for the price of the meters furnished, instead of making them payable to Tice. us the collectors of the Government intercepted the funds due to Tice, and much ce to him was paid into the Treasury.

The Government thus assumed a *quasi* fiduciary relation to Tice, receiving his oneys with a liability to account to him. This being so, and no account with him aving been had, and no tender by the proper officer, as far as appears, to do so, it is ot a proper case for the Government to insist upon lapse of time or any limitation to rotect itself against the just demand of one whose money the Government has re- eived, intercepted, and withholds, especially where all the papers and evidences of laim are in the hands of the Government, and not in those of the claimant. If the Government has his money, there is no just reason why he should not be allowed in its Court of Claims to assert his right and prove from the records of its office the amount it has so received and withholds from him.

SIR: I am in receipt of the letter, dated the 2d instant, from Hon. George munds, chairman of the Judiciary Committee of the United States Senate was referred to me on the 5th instant by the Acting Secretary, Hon. H. F. with a request for a report.

In this letter Mr. Edmunds, on behalf of the committee, desires to be furnisl such information as is in the possession of this Department touching the s Senate bill 2392 of the present session, to grant the Court of Claims jurisdi hear and determine the claims of the Tice Manufacturing Company against th States. He states that the committee has before it the memorial of said c also, Ex. Doc. No. 272 House of Representatives, Forty-first Congress, second being a letter from the Commissioner of Internal Revenue relative to the Tic dated April 2, 1870, and several other documents; but that it does not clearl from any of these papers whether any and how much money was paid by the for these meters, or what became of the money so paid, nor what became of tificates of deposit delivered by distillers to collectors of internal revenue or ceeds thereof. Neither does it appear how far, if at all, the United States expenses of testing experiments at Georgetown, and how much of it was b Tice or his company. The committee therefore desires a complete report of the points in the case not covered by previous reports to Congress, in or it may judge of the propriety of waiving the statute of limitations and allo Tice Manufacturing Company to go to the Court of Claims.

In reply, I beg leave to call attention to the tables annexed to the letter of t missioner of Internal Revenue, dated March 25, 1870, and addressed to the Vi ident of the United States, which tables are to be found on pages 66 to 97 o Ex. Doc. No. 272, Forty-first Congress, second session, which is before the con and furnish information upon the points named by Mr. Edmunds.

I have also had prepared from the records of this office, and transmit herew embracing the foregoing information, and also such further items as were and recorded after the date of the Commissioner's letter above mentioned.

From these tables it will be seen that there were 911 meters ordered, 836 m livered, and 152 meters attached.

There was deposited in payment for meters $555,682.36. The sum of $436,24 paid to Mr. Tice, $78,550 refunded to the distillers, $67,763 is now in the hand lectors or not otherwise accounted for. A considerable number of the item claim is for "materials and attaching meters" at distilleries named.

I find no record whatever of the expenses of attaching any meters to dis and information upon this point could hardly be obtained after this lapse As it was provided by both statutes under which these meters were prescrib the attachment of the meters should be at the expense of the distiller, who to furnish all material, &c., and as these expenses were additional to the cost the meter, I think it fair to presume that in cases when the meters were atta the agents of the Tice Manufacturing Company, all such expenses were then c from the distiller by the company.

In reference to the claim for expenses incurred in making tests for meters

A list of the items contained in these bills, and which amount in all to $1,951.54, I inclose.

What further cost or outlay Mr. Tice or any of the inventors, who were present, incurred beyond the expenses incidental to their attendance and the presentation of their several inventions for the inspection of the commission, I am not informed.

In respect to the item for meters on hand June 8, 1870, I deem it necessary only to refer to the fact, which is admitted by the claimants, that a claim for the value of these meters was presented to and disallowed by this Department, and that subsequently in a suit in the Court of Claims by the administrator of Mr. Tice, for the same cause of action (*vide*, Court of Claims Reports, vol. 13, page 112) it was held by the court that the claimants had failed to establish their claim both in law and in the facts, and their petition was dismissed.

I desire again to call attention to the letters of the Commissioner of Internal Revenue, contained in Ex. Doc. No. 272, already referred to, for a history of the adoption of the Tice meter, and for an account of the course of business in accordance with which the meters were furnished to the distillers by the manufacturer and the latter compensated therefor.

The letter of Mr. Edmunds is herewith returned.

I have the honor to be, very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. CHARLES J. FOLGER,
Secretary of the Treasury.

Date.	Name of distiller.	District.	State.	Amount claimed by Mr. I. P. Tice as due for meters furnished.	Amount still in hands of collectors, and not otherwise accounted for.	Amount claimed by I. P. Tice for attaching meters.	Date of attachment of meters.	Remarks.
1868.								
Nov. 30	A. M. Holter & Bro		Montana	$800 00	0			$200 paid to Mr. Tice by A. M. Holter and $600 refunded to distiller.
Dec. 18	Kohler Brothers		New York			$40 00		No record of this case in the office.
19	T. A. MacIntyre	Twenty-fourth	do	50 00			Not attached	$1,000 deposited and paid Mr. Tice.
1869.								
Jan. 1	Ignatz Noel	Ninth	do			207 33	Attached	
1	Samuel Levy	Eighth	do	200 00	0	90 35	Not attached	
1	Prince & Bachrach	Ninth	do			618 32	Attached	
1	T. C. Boden	Second	do	150 00	0	136 99	Not attached	
1	David Eliu	Fifth	do	450 00	0	366 07	Attached	Should be David Eilau.
1	H. F. Billings	First	Illinois	450 00	0		Not attached	Amount paid for collecting certificates.
1	M. Mellings	Ninth	New York			236 79	do	Should be M. Mellinger.
6	A. M. Waterman	Fourth	Illinois	850 00			do	
7	Geo. B. Frysinger	do	do	850 00			do	
Aug. 2, 31	Edward Gill	Eighth	do	2,250 00	0		do	$1,000 deposited and paid Mr. Tice.
Jan. 8								
30	B. Kupfer	do	New York			178 56	do	
30	Thomas Butler	Ninth	do			107 86	do	Meters returned to Mr. Tice.
30	Morris Levy	Eighth	do			211 55	do	
30	Joseph Black	Ninth	do			96 93	Attached	
30	Hanlon, Newman & Co	Eighth	do			810 74	Not attached	
30	Elias Abrahams	Eighth	do			411 50	do	
30	M. Baur	Ninth	do			703 14	Attached	Should be M. Bauer.
30	S. Billings	Second	Illinois	150 00			Not attached	Amount paid for collecting certificate.
Feb. 11	John Young	Fourth	Pennsylvania	1,250 00	0		do	
Apr. 17	Owen McCarty	do	do	150 00	$150 00		do	
17	H. C. Thompson	do	do	50 00	50 00		April 10, 1869	
Dec. 7, Apr. 12	C. C. Ireland	First	Illinois	400 00		164 99	May 17, 1869	
21	L. F. Lingee	Fourth	Ohio	200 00			Attached	Should be L. F. Singer.
27	M. Wagner	Third	Iowa	1,200 00	1,250 00		Not attached	Injunction served on collector.
May 4	W. H. McGuire	Second	Pennsylvania	100 00	0		Attached	

	12	John Marshall	do	do	1,600 00	0		do	$1,600 paid Mr. Tice October 13, 1869.
	15	S. W. Turner	do	do	800 00	1,200 00		do	$800 paid by Arnold & Dobbins.
	18	H. R. Waynadt	Sixth	do	1,200 00	1,200 00		do	Should be A. R. Weyandt.
	18	J. D. Ogle	do	do	1,200 00			do	$400 deposited and paid Mr. Tice.
	18	J. H. Wustell	do	do	1,200 00	1,200 00		do	
	18	Charles Murkle	Third	do	1,200 00	1,200 00		do	
	16	John Cockrill	do	do	350 00	0		do	Should be John Cotral; $1,250 deposited and paid Mr. Tice.
July	1	M. W. Sauser	Second	do	200 00	0		do	Collector Pullan says Tice overpaid $50.
	1	Ernst Arleth & Co	do	do	200 00	0		June 30, 1869	$1,600 deposited and paid Mr. Tice.
	1	John Pfeffer	do	do	300 00	300 00		Not attached	$1,800 deposited and $1,500 paid Mr. Tice.
	1	H. N. Turner	Third	do	1,000 00	0		July 24, 1869	$1,800 deposited and paid Mr. Tice.
	1	Hay & Heilgfort	do	do	200 00	0		July 31, 1869	
	15	E. J. Curley	Seventh	Kentucky	2,000 00	2,050 00		Not attached	
	27	C. H. Curtiss & Co	Fourth	Illinois	2,000 00	1,600 00		do	Suit entered to recover.
	29	W. J. Dodsworth	Third	Ohio	2,000 00	2,050 00		do	
	31	George Montjoy	do	Pennsylvania			165 00	do	
Aug.	2	Pollock & Brother	Tenth	Illinois	450 00	450 00		do	
	10	J. Thompson	Eighth	New York			80 00	do	
	14	H. M. Wright	Third	Ohio	350 00	0		do	$1,250 deposited and paid Mr. Tice; record shows Tice overpaid $50.
	19	James M. Ayres	Eighth	Illinois	500 00	500 00		do	
	24	F. C. Turbein	Seventh	Ohio	1,000 00	0		do	$1,250 deposited and paid Mr. Tice.
	27	Murry & Matson	Eighth	Illinois	500 00	500 00		do	Should be Murry & Watson.
	30	H. Ruhack	do	do	1,200 00	0		do	
	30	Russell & Co	Twenty-fifth	New York			105 71	Attached	
Sept.	1	Hammus Mott		do			137 00		No record of any such distiller.
	2	J. Sickles	Seventh	do	500 00	0	75 00	Not attached	Meter removed by Mr. Tice.
	13	Dollmeyer & Octewann	First	West Virginia	600 00	600 00		do	Should be Dollmeyer & Oderwahn.
	18	George Spurck & Co	Fifth	Illinois	800 00	800 00		do	
	18	A. Nausbaum & Co	do	do	2,000 00	2,000 00		do	
	20	Zell & Francis	do	do	1,000 00	1,000 00		do	
	20	Wicker & Neil	do	do	2,000 00	1,800 00		do	$800 paid by J. W. Chain.
	20	Clary & Co	Ninth	Ohio	1,800 00	1,800 00		do	
	22	R. Moir & Co	Fourth	Illinois	1,000 00	1,000 00		do	
	22	Jonathan Turner	do	do	1,000 00	1,000 00		do	$1,650 deposited, and $650 paid Mr. Tice.
	25	Swartz & Waters	do	do	1,400 00	1,400 00		do	
	27	Barker & Co	Fifth	do	2,000 00	2,000 00		do	
	28	D. C. Farrell	do	do	2,000 00	2,000 00		do	
Oct.	1	J. Emmett & Co	Twelfth	Ohio	2,000 00	2,000 00		do	
	1	J. Emmett	do	do	2,000 00	2,000 00		do	
	2	Morris Steely & Co	do	do	1,600 00	1,400 00		do	
	2	H. P. Deucher	Third	do	1,200 00	1,200 00		do	
	9	A. Erwenger	Ninth	do	1,200 00	1,200 00		do	Should be A. Everingin.
	13	J. Leity	Fourteenth	Pennsylvania	1,200 00	0		do	Supposed to be J. Leiby. Collector says he did not receive deposit from his predecessor.

Date.	Name of distiller.	District.	State.	Amount claimed by Mr. I. P. Tice as due for meters furnished.	Amount still in hands of collectors, and not otherwise accounted for.	Amount claimed by I. P. Tice for attaching meters	Date of attachment of meters	No further information
1869.								
Oct. 22	R. Z. Murry	Eighth	Illinois	$600 00	$1,800 00	$100 75	Not attached	
27	Keller Distilling Company	First	do	2,000 00	800 00		Nov. 18, 1869	
Nov. 8	C. L. Wood	Fifth	do	800 00	1,000 00		Not attached	
22	D. Kilpatrick	Third	Tennessee	1,000 00	2,000 00		do	
28	Thayer Brothers	Fifth	Illinois	2,000 00	1,800 00		do	
4	R. M. Cox & Co	do	do	1,800 00	1,800 00		do	
4	D. M. Harkness	Ninth	Ohio	1,800 00			do	Supposed to be J. W. Chain, Fifth district. No such distiller at Ninth district
4	J. W. Chair	Fifth	Illinois				do	
13								Fourth
	E. C. Leach		do	200 00	0	00 00	May 20, 1869	Should be C. Yeager & Co., $1,800 do posted and paid Mr. Tice
	C. Yerenck & Co	First	do	400 00	0	194 00	Not attached	
		do	do			00 00	June 7, 1869	
			do			00 00	May 20, 1869	
		do	do			200 00	June 13, 1869	Should be Hess & Powell
		do	do			00 00	May 31, 1869	Should be Howell & Montferton
Dec. 1	J. Kerchoff & Co	do	do			0 70	October, 1869	$800 paid for meter shipped to Wicker & Nell, leaving $800 in collector's hands
1	T. Lynch & Co	do	do				Not attached	Should be Shillibeer & Co
1	Great Western Distillery Company.	do	Kentucky	400 00	1,000 00		do	
1	Hans Powell	Fifth	Montana	800 00		400 00		
1	Kast & Stoepler	Eighth	Illinois			30 50	Dec. 4, 1869	No such distiller on record
13	Howell & Montferton	Fifth	Kentucky			173 51	May 20, 1869	
31	J. W. Chain	Sixth	New York			96 00		
			Pennsylvania			30 75	Sept., 1869	No such distiller as A. H. Overholt, supposed to be A. & H. H. Overholt.
	Whelp & Co		do			70 00	Attached	$600 deposited and paid by Mr. Tice.
			do			100 00	Not attached	Supposed to be Thomas H. Larimore. No deposit made.
						57 40	Dec. 8, 1869	
			second		0			
			do		0		Not attached	

The following charges are made, of which there is no record in this office:

Date.		Amount.
June 1, 1871	J. P. O'Neil, attorney	$150 00
Sept. 18, 1871	Doolittle & Norton, attorneys	2,335 50
June 18, 1872	E. N. Taft, attorney	2,864 00
ne 8, 1870	1 sample meter	200 00
	1 sample meter, 1	450 00
	8 sample meters, 2, at $600	4,800 00
	8 sample meters, 3, at $800	6,400 00
	18 sample meters, 4, at $1,000	18,000 00
	1 sample meter, 5	1,000 00
ov. 1, 1872	Storage at $1,000 per annum from June 1, 1870, to November 1, 1872	2,394 00
ly 1, 1868	Expense of running distillery at Georgetown, D. C	5,000 00
	Damage and delay by stoppage in 1868	63,350 00

NOTE.—The United States paid $1,951.54 for running the distillery in Georgetown, D. C., as shown by schers on file in the Internal Revenue Office.

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the matter of the claim of the estate of Isaac P. Tice, deceased, for relief, pending before the Forty-eighth Congress.

INTERROGATORIES.

First interrogatory. State your name, residence, and occupation.
Second interrogatory. Did you know the late Isaac P. Tice, and, if so, how long d you known him prior to his death?
Third interrogatory. State whether you had knowledge that said Isaac P. Tice anufactured meters under contract with the United States, and, if so, state whether had any meters on hand on the 7th day of June, 1870; if so, state how many meters each kind he had on hand at said date.

position of William J. Cotter, jr., a witness upon the above claim, taken before W. R. Spooner, a United States commissioner for the southern district of New York, this 12th day of April, 1884, in answer to interrogatories hereto annexed.

NITED STATES OF AMERICA,
State of New York, Southern District of New York, ss:

The said WILLIAM J. COTTER, Jr., being duly sworn by me, testifies:

To the first interrogatory he says: William J. Cotter, jr.; resides 122 Park avenue, ooklyn; occupation, laborer.
To the second interrogatory he says: I knew Isaac P. Tice; I knew him about 12 ars before he died (continuously).
To the third interrogatory he says: I knew he manufactured whisky meters under ontract with the United States. I know he had meters on hand on the 7th June, 70, and, to the best of my recollection, there was one "No. 1," one "sample A," eight No. 2," eight "No. 3," eighteen "No. 4," and one "No. 5." The "No. 2" meters had en in the shop at No. 202 and 204 East Twenty-ninth street, but were transferred the shop at First avenue and Twenty-ninth street. My position was shipping clerk the manufactory. I made an inventory of the meters about June, 1870, and to best of my recollection I turned it over to the treasurer of the company, Mr. deau. No meters of the sizes and numbers above stated were made after June, 1870, d the same meters were on hand in June, 1871. Some small meters "sample A," re made, not over ten or twelve, during the year, to fill private orders, but none of se on hand in June, 1870, were used to fill such orders.
I remember an inspector coming during the year to take account of meters on hand. hink his name was Hill, but I am not sure.

WM. J. COTTER, Jr.

Subscribed and sworn to before me this 12th day of April, 1884; and I further cer- y that I have no interest in the above-entitled claim.
[SEAL.] W. R. SPOONER,
United States Commissioner, Southern District of New York.

In the matter of the claim of the estate of Isaac P. Tice, deceased, for relief. the Forty-eighth Congress of the United States. Deposition of Jesse B. B witness upon the above claim, taken before W. R. Spooner, a United Sta missioner for the southern district of New York, this 12th day of April, 188 swer to interrogatories hereto annexed.

UNITED STATES OF AMERICA,
State of New York, Southern District of New York:

The said JESSE B. BADEAU, being duly sworn before me, testifies:

To the first interrogatory he says: My name is Jesse B. Badeau; residence Duane street, New York; business, commercial traveler. In 1869 and 187 treasurer of the Tice Manufacturing Company.

To the second interrogatory he says: I knew Isaac P. Tice, now deceased, a him for ten or eleven years prior to his death.

To the third interrogatory he says: I had knowledge that Tice had a contr the Government for the manufacture of spirit meters, and that the Tice M uring Company manufactured the meters called for under that contract, u arrangement with Tice. There were on hand on the 7th of June, 1870, in th of the company for Tice's contract, thirty-seven meters of different sizes, v sample meter "A," one "No. 1," eight "No. 2," eight "No. 3," eighteen "No one "No. 5." These were all completed, as I recollect, and they made a cert ber of "sets," exactly how many, I cannot recollect. I remember a suspensi Government contract June 8, 1870, and the same day or the following day m Mr. F. W. Clark took an inventory of the meters on hand, and the above is rect statement of the number on hand. I remember an inspector visiting t shortly afterward to take an account of meters. I was treasurer of the com about three years after this date.

The company did business in a small way between June, 1870, and June 1 shipped on private orders a few meters, ten or twelve of the smaller sizes, meters on hand in June, 1870, were set aside in a cellar and not disturbed no fill any private orders. I believe they were subsequently sold by the sheriff iron. None of them were used under the Government contract with Tice.

JESSE B. BA

Subscribed and sworn to before me this 19th day of April, 1884; and I cer I have no interest, direct or indirect, in the said claim.

[SEAL.] W. R. SPOONE

United States Commissioner Southern District of New

In the matter of the claim of the estate of Isaac A. Tice, deceased, for relief, before the Forty-eighth Congress.

INTERROGATORIES.

First interrogatory. State your name, residence, and occupation.

Second interrogatory. Did you know the late Isaac P. Tice; and, if so, h had you known him prior to his death?

Third interrogatory. State whether you had knowledge that said Isaac P. T ufactured meters under contract with the United States; and, if so, state wh had any meters on hand on the 7th day of June, 1870; if so, state how man of each kind he had on hand at said date.

STATE OF NEW YORK,
Southern District of the United States, ss:

Deposition of Erastus F. Mead, a witness, taken before me, W. R. Spooner, States commissioner for the southern district of New York, this 5th day 1884, in answer to interrogatories hereto annexed.

The said witness being by me first duly sworn, testified as follows:

To the first interrogatory he says: My name is Erastus F. Mead; I reside East Sixty-third street, New York City, and am by occupation a broker.

To the second interrogatory he says: I knew him and had known him fo years before his death, about November, 1875.

To the third interrogatory he says: Yes; I knew his invention of the spi and his contract with the Government. I was president of the Tice Manuf

Company, which was organized to manufacture these meters. I know that all the meters furnished distillers under Tice contract were so manufactured by that company. Tice had charge of the matter of furnishing meters, and our company did the work.

On the 7th June, 1870, Tice's contract with the Government was suspended, at least the further manufacture of the meters was suspended by the Government.

An inventory of the meters on hand on June 8, 1870, and ready for delivery, or partially completed, was taken under my direction, which inventory showed: One meter "sample A," one meter "No. 1," eight meters "No. 2," eight meters "No. 3," eighteen meters "No. 4," and one meter "No. 5," of which the different parts were all completed, but they were not all put together, and the same, as they stood, were subsequently allowed, by a Government inspector sent to examine the same, at fourteen and one-half sets of meters complete. These meters were worthless after the suspension of the Government contract, except for old metal; that is, they were useful for spirit meters only.

E. F. MEAD.

Subscribed and sworn to before me this 5th day of April, 1884; and I certify that I have no claim upon or interest in the claim above specified.

W. R. SPOONER,
United States Commissioner, Southern District of New York.

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the matter of the claim of the estate of Isaac P. Tice, deceased, for relief, pending before the Forty-eighth Congress.

INTERROGATORIES.

First interrogatory. State your name, residence, and occupation.
Second interrogatory. Did you know the late Isaac P. Tice; and if so, how long had you known him prior to his death?
Third interrogatory. State whether you had knowledge that said Isaac P. Tice manufactured meters under contract with the United States; and if so, state whether he had any meters on hand on the 7th day of June, 1870; if so, state how many meters of each kind he had on hand at said date.

Deposition of Francis W. Clark, a witness, taken before me, W. R. Spooner, an United States commissioner for the southern district of New York, this 5th day of April, 1884, in answer to the interrogatories hereto annexed.

UNITED STATES OF AMERICA,
State of New York, Southern District of New York, ss:

The said witness, FRANCIS W. CLARK, being first duly sworn by me, testifies as follows:

To the first interrogatory he says: Francis W. Clark, 201 McDonough street, Brooklyn; occupation, manufacturer.

To the second interrogatory he says: I knew Isaac P. Tice for about seven years prior to his death, and up to his death.

To the third interrogatory he says: I had knowledge that he manufactured meters under a contract between himself and the Government. I had charge of the books relating to the manufacture and shipping of meters, and the correspondence with the Government, and was so engaged on the 8th day of June, 1870; the works were then located at 29th street and 1st avenue, New York City. I had knowledge of the suspension on the 8th June, 1870, of the Government contract. I took, under instructions of Mr. E. F. Mead, president of the Tice Manufacturing Company, assisted by Jesse Badeau, an inventory of the meters then on hand and in process of manufacture. I remember there were 37 single meters, all told, of different sizes and stages of completion, all completed except setting up and putting on outside plates; there was one "A," one "No. 1," eight "No. 2," eight "No. 3," eighteen "No. 4," and one "No. 5" meters.

A "set" of meters consisted sometimes of one meter and sometimes of two meters, the single set being for high wines, and the double set for both low and high wines. These were all on hand on the 8th June, 1870; no meters whatever were manufactured after that under the Government contract. I personally made out and sent to the treasury bills for the meters so on hand, very soon after taking the inventory. I have

no interest in the claim now pending as above entitled. The meters were valuable for measuring spirits, but for other purposes were worth only their price as old m

FRANCIS W. CLAR

Subscribed and sworn to before me this 5th day of April, 1884; and I further ce that I have no interest in the above-entitled claim.

[SEAL.] W. R. SPOONER,

United States Commissioner, Southern District of New Yo

Your committee, concurring with the Senate Committee on Clai recommend that the bill (H. R. 1671) which they have had under c sideration be amended by striking out the words "with interest at rate of 6 per centum per annum from the date the several sums sho have been paid to said Tice," and, with this amendment, they rec mend that said bill (H. R. 1671) do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2492.

ESTATE OF WILLIAM TINDER.

MAY 19, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 63.]

The Committee on Claims, to whom was referred the bill (H. R. 63) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, have considered the same, and report thereon as follows:

That about the year 1878 one Evans was indicted in two cases for counterfeiting. The defendant was arrested, and Tinder, the intestate, stood bail for him in each case in the sum of $5,000. A trial was had in one case, and the jury disagreed. At the next term of the circuit court of the United States for the western district of Tennessee the accused, Evans, made default. Such proceedings were had in both cases that judgment final was rendered against Tinder for the amount of each bail bond. Tinder died, and his administrator, Wilson, paid all the costs in both cases, and one of the judgments, the United States releasing the other. After this the administrator and some creditors of Tinder, whose estate was made insolvent by the payment above mentioned, instituted a search for Evans, and finally succeeded in procuring his arrest. Evans was convicted by his own plea on both indictments, and sentenced to the penitentiary on both, according to law, and is now serving out his sentence.

The administrator and creditors claim a return of the $5,000 paid as above. Judge Hammond, presiding in the court, recommends a return of the money. The committee believe that the money ought to be refunded. The object of the bail bond was not to make money, but to secure the appearance of Evans and his punishment, if guilty. This has been accomplished by the efforts and the money of the bail, and all costs due the United States have been paid. We recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2493.

AMENDMENT TO THE CONSTITUTION CREATING AND DEFINING THE OFFICE OF SECOND VICE-PRESIDENT OF THE UNITED STATES.

MAY 19, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. DIBBLE, from the Select Committee on the Election of President and Vice-President, submitted the following

REPORT:

[To accompany H. Res. 61.]

The Select Committee on the Election of President and Vice-President, to which was referred the joint resolution (H. Res. 61) proposing an amendment to the Constitution of the United States creating and defining the office of Second Vice-President of the United States, respectfully submits the following report:

The necessity for an additional officer in the line of the Presidential succession, elected in the Constitutional mode, has been forced upon the consideration of thoughtful students of our political system by the casualties which have occurred since the adoption of the Federal Constitution. Out of eighteen different persons elected directly to the Presidential office, four have died before filling out their respective terms as President, three of them during the first year of the term, and the other during the second year. Out of twenty-five different persons elected as Vice-Presidents, five died during their terms of office, one of them resigned his office, and four became President. At the close of the present Presidential term there will have been one hundred years of Government under the Constitution, and during that period there will have been twenty-five years, eight months and four days—over one-fourth of the time—when the country has had no Vice-President; and this without counting the short period in 1789, at the beginning of our Constitutional history, when we were without a Vice-President until John Adams assumed the duties of that office in that year. And in the last forty years of the period named the office of Vice-President has been vacant eighteen years five months and five days, or nearly one-half of the time.

Our plan of government makes the Vice-President the permanent presiding officer of the Senate, and the only permanent presiding officer. In case the Senate be equally divided, he has the casting vote. In the practical working of our system, it has occurred, and may easily happen again, that two political parties have equal representation in the Senate. In such cases the casting vote will be given in favor of the party then in the majority in the Union, for the Vice-President is chosen as the representative of such party. This tends to give consistency to the acts of the Government. But we have seen that during less than three-fourths of the time has there been an officer representa-

defective in this, that it enables the President to designate wh succeed to the powers of his office in case of his death or resig so that when the President appoints his Cabinet he at the san executes a political "will and testament," disposing of his une term in case he ceases to be President; and, like a man's w power of revocation exists in the maker, for he can remove a C officer, and thus change the order of the succession, and in some without advice or consent of the Senate. This hardly comport the fundamental idea by which our form of government is disting from monarchical and autocratic systems, and it is easy to see would fail to meet the requirements of such emergencies as co tions are designed to provide for.

The legislative provision for an acting President is liable to t ther objection that it imposes upon a Cabinet officer—the Secret State, for instance—the duties of a Department as well as the dential duties. The Secretary of State, acting as President, is st head of the State Department, and ceasing to be the Secretary of he ceases to act as President. The Constitution prescribes that i of death, removal, resignation, or inability of the President, the shall "*devolve on the Vice-President*," who thereby becomes Pres but if the case be one of death, removal, resignation, or inabi both the President and the Vice-President, then Congress is per to provide by law declaring what officer shall "*act as President.*" Congress does not provide by law in the latter case that the office "*devolve*" on another officer, but simply that such officer shall b acting President. The spectacle of a great country like ours with s one of the Cabinet at its head would not be satisfactory to the Am people, and might be provocative of jealousy and cabal in the Cabinet officers; and an acting President might remove the other net officers, and would most probably do so, in order to secure th cession, in case of accident to himself, in such person or persons preferred.

Besides, it was an admitted defect in the act of 1886 that in c disabling casualty affecting both President and Vice-President i interval between election and the appointment of the new Cabin

ywise disturb the existing laws, State or Federal, relating to the ›n of President and Vice-President. It simply provides that the rs shall vote for three officers, instead of two, in the electoral col- of the several States.

he language of the proposed amendment care has been taken to e language of the Constitution relating to the election for Presi- ınd Vice-President, so that no difficulties in construction can arise, ght be the case in the employment of new words and phrases in ›n to the matter.

committee therefore recommend the passage of the joint resolu- ith the following amendment: After the word "States," in line ert the words: "And the person voted for as Second Vice-Presi- ›y any elector shall not be an inhabitant of the same State with rson voted for as President or with the person voted for as Vice- lent by such elector."

Presidential vacancies filled by Vice-Presidents.

Name of President.	Term.	Died.	Unexpired term.		
			Yrs.	*mos.*	*dys.*
Henry Harrison	Mar. 4, 1841-1845	Apr. 4, 1841	3	11	0
Taylor	Mar. 4, 1849-1853	July 9, 1850	2	7	25
ı Lincoln	Mar. 4, 1865-1869	Apr. 15, 1865	3	10	19
bram Garfield	Mar. 4, 1881-1885	Sept. 19, 1881	3	5	15
gregate in 44 years			13	10	29

Statement of vacancies in the office of Vice-President, 1809 *to* 1889.

me of Vice-President.	Term.	Change in office.	Unexpired term.		
			Yrs.	*mos.*	*dys.*
Hinton	1809-1813	Died April 20, 1812		10	14
Gerry	1813-1817	Died November 23, 1814	2	3	11
Calhoun	1829-1833	Resigned December 28, 1832		2	6
ler	1841-1845	Became President April 6, 1841	3	10	28
Fillmore	1849-1853	Became President July 9, 1850	2	7	25
R. King	1853-1857	Died April 18, 1853	3	10	16
Johnson	1865-1869	Became President April 15, 1865	3	10	19
Filson	1873-1877	Died November 25, 1875	1	3	12
A. Arthur	1881-1885	Became President September 20, 1881.	3	5	14
A. Hendricks	1885-1889	Died November 25, 1885	3	3	9
gregate of vacancies in 80 years			25	8	4

cies in 40 years, 1809-1849, 7 years 2 months 29 days.
cies in 40 years, 1849-1889, 18 years 5 months 5 days.

VIEWS OF THE MINORITY.

Mr. BEACH, of the Select Committee on the Election of Presiden Vice-President, submits the following views of the minority cerning joint resolution (H. Res. 61) proposing an amendment Constitution of the United States creating and defining the of Second Vice-President of the United States:

Article V of the Constitution provides:

The Congress, whenever two-thirds of both houses shall deem it necessary propose amendments to this Constitution; or, on the application of the legis of two-thirds of the several States, shall call a convention for proposing amend

It will be observed that two modes of amending the Constitutic thus provided. One originates in Congress and the other in the latures of the States. In both methods a two-thirds vote is req

The fifteen amendments thus far made to the Constitution we initiated by Congress. Of these fifteen twelve were made shortly the adoption of the original Constitution, and the other three were at the close of the civil war. Counting the first twelve amendme substantially a part of the original Constitution, there have been, d nearly a century of our existence, but three amendments, and these their adoption to the changed conditions brought about by the wa

At the time of framing the Constitution there were but thirteen St now there are thirty-eight. We were then four millions of people we are sixty. Then the power of steam and electricity were unkn now the engine on the land and the engine on the water are the vel of an almost fabulous commerce. Our manufactories were then a s gling infant; now they are a mighty giant—the mightiest in the w Commerce, agriculture, and industries of all kinds have multipli an almost incredible extent. We have grown as no nation befo ever grew. And with this material growth, civilization has kept st and equal pace. New relations, new wants, new obligations, and rights have been developed.

To provide for these a substantial change in the organic law h come a matter of imperative necessity. The desire of the people revision of the Constitution is voiced by the public press througho country and in the numerous resolutions introduced at each sessi Congress. In the Forty-eighth Congress there were about fifty sep resolutions introduced proposing amendments to the Constitt They came from most every State in the Union. None of them received any consideration from the committee to which they referred. It is hardly the place in a report of this character to sp the various resolutions thus buried in committee, but it may be obs that many of them were of vital importance to the future prosp of the country and welfare of the people.

Those who oppose amending the Constitution are influenced m by reverence for the work of the fathers. But reverence is mer sentiment, and must yield to the actualities of life. The very fact the fathers themselves incorporated in the Constitution a metho

amending it indicates that they foresaw the necessity of amending it. Jefferson, who will be conceded a good authority upon this point, said:

> Let us not weakly believe that one generation is not as capable as another of taking care of itself and of ordering its own affairs. * * * Each generation is as independent of the one preceding as that was of all which had gone before it.

Again, he recommended provisions in our Constitution for periodical revisions:

> The dead have no rights; they are nothing, and nothing cannot own something. The corporeal globe and everything upon it belongs to its present corporeal inhabitants during their generation. They alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction, and this declaration can only be made by a majority. That majority, then, has a right to depute representatives to a convention, and to make the Constitution what they think will be best for themselves.

In keeping with the precepts of Jefferson, the State of New York, which has always taken the lead in constitutional law, has wisely ordained in her organic law that every twenty years the question of revising the constitution shall be submitted to the people.

The undersigned therefore, whilst appreciating the necessity of providing for a possible interregnum occasioned by the death, resignation, or inability of both President and Vice President, and whilst agreeing with the majority of the committee that the plan proposed by the joint resolution (H. Res. 61) is probably the best that has as yet been suggested, yet holds that it is not expedient to amend the Constitution in this fragmentary way, but is of opinion that a general convention should be held at an early day to consider and determine all amendments which may be proposed, and to that end the following resolution is respectfully submitted:

Resolved, That in the opinion of the House of Representatives the time has come when the legislatures of the several States should apply for a convention to amend the Constitution.

LEWIS BEACH.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REP'T 2493, Part 2.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

JULY 31, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CALDWELL, from the Committee on Election of President and Vice-President, submitted the following as the

VIEWS OF THE MINORITY:

[To accompany H. Res. 61.]

The minority of the Committee on the Election of President and Vice-President insist that the only way to provide for every emergency which may probably arise as to the succession to the offices of President and Vice-President is by some method of proceeding which can adjust itself o and provide for such emergencies.

To add a second Vice-President, as recommended by the majority of te committee, would only remove the chance of vacancy in the Presi-ntial office one degree, and interpose one additional officer, and there no certainty that such a measure would not result in a vacancy, to pply which there would then be no adequate remedy.

The electoral college is a part of our system as now provided, and it believed that to extend the term under the provisions of this resolu-n will be less objectionable than any proposition introducing new and lical changes in the method of securing uninterrupted succession in Presidential office.

ANDREW J. CALDWELL.
W. C. COOPER.
JAMES LAIRD.

PROPOSED AMENDMENT.

[In the House of Representatives, United States, Forty-ninth Congress.]

r. CALDWELL, from the Committee on Election of President and Vice-President, behalf of the minority of the committee, reports the following joint resolution as a stitute for the joint resolution No. 61, reported by the committee:

esolved by the Senate and House of Representatives of the United States of America in gress assembled (two-thirds of each House concurring therein), That the following be posed to the legislatures of the several States as an amendment to the Constitution the United States, and that the same, when ratified by the legislatures of three-rths of the several States, shall be valid to all intents and purposes as a part of the d Constitution, namely:

e it resolved by the Senate and House of Representatives of the United States of America Congress assembled, That the electors to be appointed in accordance with the pro-ions of the first section of the second article of the Constitution of the United ites shall hold their offices for the term of four years.

SEC. 2. That whenever, in the case of the removal of the President from office, or his death, resignation, or inability to discharge the powers and duties of the said

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2494.

ADJUSTING CERTAIN CLAIMS OF POSTMASTERS.

MAY 19, 1886.—Laid on the table and ordered to be printed.

Mr. PETERS, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT:

[To accompany bill H. R. 5319.]

The Committee on the Post-Office and Post-Roads, having had under consideration House bill No. 5319, to amend an act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," report that the Committee on Claims have reported upon H. R. 5287, a bill "To amend the act of the 17th of March, 1882, relating to claims of postmasters for losses," and that bill is now on the Calendar of the House for consideration. As this bill accomplishes the object sought to be accomplished by the bill under consideration, your committee report this bill back to the House and recommend that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2495.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

MAY 20, 1886.—Committed to the Committee of the whole House on the state of the Union and ordered to be printed.

Mr. HOLMAN, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 8974.]

In presenting the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, the Committee on Appropriations submit the following in explanation thereof:

The estimates upon which the bill is based are to be found on pages 9 to 70 and 73 to 78 of the Book of Estimates for 1887, and aggregate in all $21,406,685.62, of which amount there is recommended in the bill $20,560,119.42. The appropriations for the same purposes for the current fiscal year aggregate $21,371,605.05, being $811,485.63 more than is recommended in the accompanying bill for the service of the fiscal year 1887.

The amount contained in the bill is less than the aggregate estimates $846,566.20.

Limitations on the expenditure of certain sums contained in the bill and not heretofore imposed are prescribed as follows:

With reference to the appropriation for salaries of the Civil Service Commission, it is provided that the appropriation be available only—

When the rules of the Civil Service Commission are so framed as that the names of all applicants for official appointment from any one State found duly qualified on examination and without regard to age shall be sent to the head of a Department or other officer charged with making an appointment.

Coupled with the appropriation for salaries and expenses of collectors and deputy collectors of internal revenue, is the following proviso:

Provided further, That no part of the money herein appropriated shall be paid to collectors of internal revenue, except the allowances provided for in section twelve of the act of February eighth, eighteen hundred and seventy-five, as amended by section two of the act of March first, eighteen hundred and seventy-nine.

With reference to the additional force of 150 special examiners, at $1,400 each, in the Pension Office, it is provided that they are—

To be appointed by the Secretary of the Interior, on the recommendation of the Commissioner of Pensions.

With the appropriation for rent of office for the surveyor-general in New Mexico, it is provided that—

The Secretary of the Interior shall, if practicable, provide accommodations for the office of the surveyor-general of New Mexico in the building belonging to the United States in Santa Fé.

[illegible] of, and number or grade of, offi- [illegible] is compared with the current law [illegible]

[illegible] STATES SENATE.

[illegible] at $6 per day during the session [illegible] omitted in the estimates) is omitted.

[illegible] OF REPRESENTATIVES.

[illegible]

[illegible] at $[illegible] each, are provided for, [illegible] in the Post-Office and Post-Roads, and [illegible] Buildings and Grounds. These clerks [illegible] of the House.

[illegible] increased from $2,250 to $2,500.

[illegible] at $900 per annum.

[illegible]

[illegible] at $2,000 is omitted.

[illegible] from $3,000 to $2,500.

[illegible] from $2,000 to $1,440.

[illegible] Committee on War Claims is [illegible] to $[illegible].

[illegible] per day during the session is reduced [illegible]

[illegible] in the post-office at $840 each during the session [illegible] per month during the session, that being the rate [illegible] messengers in that office.

EXECUTIVE OFFICE.

1 additional executive clerk is provided for, at a salary of $2,000.

1 clerk of class 3 and 1 clerk of class 2 are omitted.

TREASURY DEPARTMENT.

In the Secretary's office a private secretary, at $1,800, is provided for each of the 2 assistant secretaries, in lieu of 2 clerks of class 4 omitted.

An inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury is provided for, at $1,900, in lieu of 1 clerk of class 4 omitted.

In the several divisions of the office of the Secretary of the Treasury, in the aggregate, 6 less employes are provided for, and a reduction of $[illegible] is made in the whole amount of salaries under the current law, and $17,089.50 under the amount of estimates submitted. The estimates, as submitted for these divisions, proposed a rearrangement of the force, which in the main is provided for.

FIRST COMPTROLLER'S OFFICE.

1 additional clerk of class 2, and 1 skilled laborer, at $840, are provided for.

SECOND COMPTROLLER'S OFFICE.

1 additional chief of division, at $2,000, is provided for.

A reduction is made of 5 clerks of class 3; 2 clerks of class [illegible] 1 clerk of class 1; 1 clerk, at $1,000; 3 clerks, at $[illegible] each.

SECOND AUDITOR.

An increase is provided for of 1 messenger, at $840; 18 copyists, at $840 each.

THIRD AUDITOR.

A reduction is made of 6 clerks of class 2; 14 clerks of class 1; 2 clerks, at $900 each.

SIXTH AUDITOR.

In this office 417 employés, at a cost of $504,830, is provided for by the current law. Estimates for 414 employés, at a cost of $495,590, for 1887, was submitted. The bill provides for 400 employés, at a cost of $489,910.

TREASURER.

An increase is made of 1 clerk for the Treasurer, at $1,800; 9 clerks, at $700 each; 1 messenger, at $840.

Provision is also made in the bill for 2 pressmen, at $1,200 each; 3 separators, at $660 each; 3 feeders, at $660 each.

These employés have heretofore been carried on the rolls of the Bureau of Engraving and Printing and paid from funds appropriated in the sundry civil bill. They are transferred to the Treasurer's Office on the recommendation of the Secretary of the Treasury.

A reduction is made of 3 clerks of class 1; 14 clerks, at $900 each.

REGISTER OF THE TREASURY.

A reduction is made of 2 chiefs of division, at $2,000; 1 clerk of class 4; 2 clerks of class 3; 2 clerks of class 2; 5 clerks of class 1; 11 copyists, at $900 each.

BUREAU OF ENGRAVING AND PRINTING.

A reduction is made of 2 clerks of class 1; 3 copyists, at $900 each; 3 laborers, at $660 each.

BUREAU OF NAVIGATION.

The additional amount of $200 to the clerk acting as deputy commissioner is not provided for.

OFFICE CONSTRUCTION OF STANDARD WEIGHTS AND MEASURES.

An increase of one laborer at $660, in lieu of one at $1.50 per day, is provided for.

A reduction is made of 1 verifier, at $4 per day; 1 mechanician, at $4 per day; 1 recorder, at $60 per month; 1 watchman, at $720.

DIRECTOR OF THE MINT.

A reduction is made of 1 clerk, at $1,000.

COMMISSIONER OF INTERNAL REVENUE.

A *reduction is made of 26 clerks*, at $900.

INDEPENDENT TREASURY.

The salaries of the assistant treasurers at Baltimore, Bosto cinnati, Saint Louis, and San Francisco are reduced $500 each.

At the sub-treasury in Philadelphia an increase of 2 wate at $720 each, is made, for reasons stated in House Ex. Doc. 169.

MINTS AND ASSAY OFFICES.

On the recommendation of the Secretary of the Treasury no ion is made for salaries or expenses of the mint at Carson, Nev.

Provision for the assay office at Saint Louis, Mo., is also omitt

The cashier's clerk, at $1,100, in the mint at New Orleans is or

The salary of the assayer in charge of the mint at Denver, C reduced from $2,500 to $2,250.

The salary of the superintendent of the assay office in New Y reduced from $4,500 to $4,000.

The salary of the assayer in charge of the assay office at H Mont., is reduced from $2,500 to $2,250.

GOVERNMENT IN THE TERRITORIES.

The salaries of the governor of and the judge in Alaska are re from $3,000 each to $2,600 and $2,500, respectively.

WAR DEPARTMENT.

No changes are made in the numbers or compensation of emplo this Department except in the following-named Bureaus:

QUARTERMASTER-GENERAL'S OFFICE.

An increase is made of 1 clerk of class 3; 1 ass draughtsman, at $1,600.

A reduction is made of 1 clerk of class 1.

In addition to the above the force in the division of this office tigating the claims under the act of July 4, 1864, is reduced lows: 1 clerk of class 3; 4 clerks of class 2; 1 cl class 1; 2 clerks, at $1,000 each; 11 copyists, at $900 1 watchman, at $720; 15 agents, at $1,400 each.

SURGEON-GENERAL.

A reduction is made of: 20 clerks, at $1,000 each.

PAYMASTER-GENERAL.

A reduction is made of 2 clerks of class 2; 2 cle class 1; 2 clerks, at $1,000 each.

RECORDS OF THE REBELLION.

A reduction is made of 1 copyist, at $900; 4 compos at $1,000 each.

PUBLIC BUILDINGS AND GROUNDS.

An additional watchman for Armory square, and 1 for grounds south of Executive Mansion, at $660 each, are provided for.

NAVY DEPARTMENT.

No changes are made in the numbers or compensation of employés in this Department, except in the

HYDROGRAPHIC OFFICE.

An additional watchman, at $720, is provided for.

INTERIOR DEPARTMENT.

SECRETARY'S OFFICE.

An increase is made of 1 clerk of class 3; 3 clerks of class 1, 2 of whom shall be stenographers or type-writers; 1 telephone operator, at $600; 4 charwomen, at $180 each.

A reduction is made of 5 copyists, at $900 each.

GENERAL LAND OFFICE.

The salary of the Assistant Commissioner is increased from $3,000 to $3,250.

The salaries of 2 law clerks are increased from $2,000 to $2,500 each.

Two law examiners are provided for at $2,000 each.

The number of principal clerks at $2,000 each are increased from 3 to 10.

Reductions are made as follows 8 clerks of class 4; 1 clerk, at $1,000; 6 copyists, at $900 each.

INDIAN OFFICE.

Provision is made for an assistant commissioner, who shall also perform the duties of chief clerk, at $3,000, in lieu of a chief clerk at $2,000.

Including the above a rearrangement of the force is made in this office at the request of the Commissioner, whereby a reduction of 3 is made in the whole number of employés and of $4,520 in the aggregate compensation.

PENSION OFFICE.

The following increase is made 3 stenographers, at $1,600 each; 5 messengers, at $840 each; 1 captain of the watch, at $840; 3 sergeants of the watch, at $750 each; 3 firemen, at $720 each.

A reduction is made as follows: 1 clerk of class 4; 5 clerks of class 3; 28 clerks of class 2; 39 clerks of class 1; 20 clerks, at $1,000 each; 15 copyists, at $900 each; 5 watchmen, at $720 each.

After making the foregoing reductions, the bill provides for the full number of clerks of the several grades that are now on the rolls of the Pension Office.

In this connection it is proper to call attention to the following provision contained in the legislative, executive, and judicial appropriation act for the current fiscal year:

Provided, That vacancies occurring in the clerical force of the Pension Office during the fiscal year eighteen hundred and eighty-six shall not be filled by promotion or original appointment until a reduction of one hundred and fifty in all is made; and thereafter the number shall not be increased, and the number in the several grades shall remain as existing when said reduction is completed.

assistant examiners, at $1,200 each; also for 15 messenger boy $360 each.

BUREAU OF LABOR.

In this office the salaries, except those for the Commissioner and clerk, are for the first time stated.

The whole amount given is $13,220 in excess of the current gros propriation, and $22,800 less than the estimates submitted.

COMMISSIONER OF RAILROADS.

The salary of the assistant bookkeeper is increased from $1,80 $2,000.

SURVEYORS-GENERAL.

No provision is made for the office of surveyor-general in Minne but it is added to that of Dakota.

The salaries of the surveyors general of Nevada and of Nebraska reduced from $2,500 and $2,000 to $1,800 and $1,500, respectively.

Iowa is omitted from the office of the surveyor-general of Nebras

POST-OFFICE DEPARTMENT.

The salary of the chief post-office inspector, at $3,000, is provided under the office of the Postmaster-General. Heretofore this salary been provided for in the Post-Office appropriation bill.

The following increase of force is provided for:

In the office of the First Assistant Postmaster-General 2 cl of class 3; 1 clerk of class 2; 2 clerks of class 1.

The salary of the superintendent of free delivery is increased f $2,100 to $2,500.

In the office of the Second Assistant Postmaster-General stenographer, at $1,400, in lieu of 2 clerks at $1,000 omitted.

The following reductions are made in the force in the office of topographer: 1 skilled draughtsman, $1,800; 1 ski draughtsman, $1,400; 1 assistant map-mounter, $720.

DEPARTMENT OF JUSTICE.

Purposes.	Estimates, 1887.		Recommended, 1887.		Appropriations, 1886.	
	Amounts.	No. of salaries.	Amounts.	No. of salaries.	Amounts.	No. of salaries.
Senate.						
For salaries of Senators	$380,000 00	76	$380,000 00	76	$380,000 00	76
For mileage	33,000 00	.....	33,000 00	.....	33,000 00	.....
For salaries of officers and employés	308,373 92	253	285,141 92	221	343,795 10	252
For reporting debates	25,000 00	.....	25,000 00	.....	25,000 00	.....
For contingent expenses	77,770 00	.....	72,770 00	.....	84,770 00	.....
Total Senate	824,143 92	329	795,911 92	297	866,565 10	328
For compiling Congressional Directory	1,200 00	.....	1,200 00	.....	1,200 00	.....
Capitol Police.						
For salaries	36,600 00	34	36,600 00	34	36,600 00	34
For contingent	100 00	.....	100 00	.....	100 00	.....
Total Capitol Police	36,700 00	34	36,700 00	34	36,700 00	34
House of Representatives.						
For salaries of Members and Delegates	1,695,000 00	333	1,695,000 00	333	1,695,000 00	333
For mileage	110,624 00	.....	110,624 00	.....	110,624 00	.....
For salaries of officers and employés	363,509 00	305	361,186 50	306	391,013 45	305
For contingent expenses	118,312 00	.....	113,937 00	.....	113,862 00	.....
Total House of Representatives	2,287,445 00	638	2,280,747 50	639	2,310,499 45	638
Public Printer.						
For salaries	15,300 00	7	15,300 00	7	15,300 00	7
For contingent expenses	3,000 00	.....	3,000 00	.....	3,000 00	.....
Total office Public Printer	18,300 00	7	18,300 00	7	18,300 00	7
Library of Congress.						
For salaries	39,400 00	26	38,320 00	26	38,320 00	26
For contingent expenses	17,500 00	.....	12,500 00	.....	15,500 00	.....
Total Library of Congress	56,900 00	26	50,820 00	26	53,820 00	26

Legislative, Executive, and Judicial Bill, 1887—Continued.

Purposes.	Estimates, 1887.		Recommended, 1887.		Appropriations, 1886.	
	Amounts.	No. of salaries.	Amounts.	No. of salaries.	Amounts.	No. of salaries.
For purchase of works of art for Capitol					$5,000 00	
Botanic Garden.						
For Superintendent	$1,800 00	1	$1,800 00	1	1,800 00	1
For wages and miscellaneous expenses	14,900 00		14,900 00		14,900 00	
Total Botanic Garden	16,700 00	1	16,700 00	1	16,700 00	1
Executive.						
For the President	50,000 00	1	50,000 00	1	50,000 00	1
For the Vice-President	8,000 00	1	8,000 00	1	8,000 00	1
For salaries Executive office	33,864 00	22	33,864 00	22	36,064 00	24
For miscellaneous expenses	8,000 00		8,000 00		8,000 00	
Total Executive	99,864 00	24	99,864 00	24	102,064 00	26
Civil Service Commission.						
For salaries	21,900 00	10	21,400 00	10	21,400 00	10
For traveling and miscellaneous expenses	8,500 00		6,500 00		6,500 00	
Total Civil Service Commission	30,400 00	10	27,900 00	10	27,900 00	10
Department of State.						
For salaries	125,630 00	81	114,150 00	77	114,150 00	77
For miscellaneous and contingent expenses	29,480 00		17,280 00		18,280 00	
Total Department of State	156,110 00	81	131,430 00	77	132,430 00	77
Treasury Department.						
For salaries*	2,942,087 50	2,383	2,900,846 00	2,357	3,019,289 50	2,430
For miscellaneous and contingent expenses	150,625 00		131,375 00		152,125 00	
Total Treasury Department	3,092,712 50	2,383	3,032,221 00	2,357	3,171,414 50	2,430

For expenses of collecting *internal revenue*	3,900,000 00		3,850,000 00		3,950,000 00	
Independent treasury.						
For salaries	363,710 00	221	353,320 00	218	357,900 00	219
For contingent expenses	18,000 00		12,000 00		32,000 00	
Total independent treasury	381,710 00	221	365,320 00	218	389,900 00	219
Mints and assay offices.						
For salaries	182,450 00	85	177,200 00	84	212,350 00	100
For wages of workmen and contingent expenses	912,000 00		792,000 00		957,000 00	
Total mints and assay offices	1,094,450 00	85	969,200 00	84	1,169,350 00	100
Territorial governments.						
For salaries	165,700 00	64	164,800 00	64	165,700 00	64
For legislative and miscellaneous expenses	196,350 20		182,625 00		121,500 00	
Total Territorial governments	362,050 20	64	347,425 00	64	287,200 00	64
War Department.						
For salaries	1,808,025 00	1,492	1,749,975 00	1,460	1,821,295 00	1,513
For miscellaneous and contingent expenses	199,400 00		177,800 00		206,300 00	
Total War Department	2,007,425 00	1,492	1,927,775 00	1,460	2,027,595 00	1,513
Public buildings and grounds.						
For salaries	18,940 00	25	17,620 00	23	16,300 00	21
For overseers, laborers, and miscellaneous	31,400 00		29,400 00		27,400 00	
Total public buildings and grounds	50,340 00	25	47,020 00	23	43,700 00	21
State, War, and Navy building.						
For salaries	87,400 00	158	86,680 00	157	86,680 00	157
For fuel, lights, repairs, and miscellaneous	34,000 00		34,000 00		34,000 00	
Total State, War, and Navy building	121,400 00	158	120,680 00	157	120,680 00	157
Navy Department.						
For salaries	205,280 00	167	206,000 00	168	205,280 00	167
For miscellaneous and contingent expenses	135,636 00		105,936 00		98,236 00	
Total Navy Department	340,916 00	167	311,936 00	168	303,516 00	167

Legislative, Executive, and Judicial Bill, 1887—Continued.

Purposes.	Estimates, 1887.		Recommended, 1887.		Appropriations, 1886.	
	Amounts.	No. of salaries.	Amounts.	No. of salaries.	Amounts.	No. of salaries.
Interior Department.						
For salaries Secretary's office	$188,450 00	164	$157,950 00	143	$155,930 00	139
For miscellaneous and contingent expenses	210,000 00	.....	202,500 00	.....	202,500 00	.....
For rent of buildings	38,000 00	.....	38,060 00	.....	64,160 00	.....
For Biennial Register	.....	.....	.....	.....	4,000 00	.....
For salaries office of attorney-general for Interior Department	20,700 00	10	20,700 00	10	20,700 00	10
For salaries in the General Land Office	490,600 00	377	489,300 00	377	490,850 00	383
For miscellaneous expenses General Land Office	20,500 00	.....	20,500 00	.....	20,500 00	.....
For salaries in the Indian Office	94,140 00	72	93,460 00	73	97,980 00	76
For salaries in the Pension Office, including 150 special examiners	2,149,060 00	1,652	2,019,000 00	1,554	2,164,650 00	1,682
For subsistence and traveling expenses, pension examiners	580,000 00	.....	510,000 00	.....	580,000 00	.....
For miscellaneous expenses, Pension Office	55,950 00	.....	28,550 00	.....	.....	.....
For salaries in the Patent Office	713,960 00	622	661,020 00	577	597,170 00	522
For miscellaneous expenses, Patent Office	140,000 00	.....	139,000 00	.....	135,000 00	.....
For salaries in the Bureau of Education	47,580 00	42	45,420 00	39	45,420 00	39
For miscellaneous expenses, Bureau of Education	36,675 00	.....	6,175 00	.....	7,175 00	.....
For salaries in the Bureau of Labor	39,820 00	34	33,220 00	27	5,000 00	2
For miscellaneous expenses, Bureau of Labor	36,200 00	.....	20,000 00	.....	35,000 00	.....
For salaries in the office Commissioner of Railroads	14,620 00	7	14,620 00	7	14,420 00	7
For miscellaneous expenses, office Commissioner of Railroads	3,000 00	.....	3,000 00	.....	3,000 00	.....
For salaries, office of the Architect of the Capitol	18,364 00	16	18,364 00	16	18,364 00	16
For salaries, office of the Geological Survey	35,540 00	30	35,540 00	30	35,540 00	30
Total Interior Department	4,932,159 00	3,026	4,536,319 00	2,853	4,697,359 00	2,906
Surveyors-general.						
For salaries	36,450 00	16	33,950 00	15	37,850 00	16
For clerks and contingent expenses	111,150 00	.....	103,150 00	.....	145,092 00	.....
Total surveyors-general	147,600 00	16	137,100 00	15	182,942 00	16
Post-Office Department.						
For salaries						
For miscellaneous and contingent expenses	721,770 00	601	717,000 00	598	711,120 00	596

Department of Justice.						
For salaries	153,450 00	97	152,150 00	97	151,950 00	97
For miscellaneous and contingent expenses	15,500 00	.....	12,560 00	.....	13,160 00	.....
Total Department of Justice	168,950 00	97	164,710 00	97	165,110 00	97
For salary warden of the District of Columbia jail	1,800 00	1	1,800 00	1	1,800 00	1
Judicial.						
For salaries Supreme Court judges of the United States and marshal	93,500 00	10	93,500 00	10	93,500 00	10
For salaries circuit court judges	54,000 00	9	54,000 00	9	54,000 00	9
For salaries district court judges	203,500 00	56	202,000 00	56	203,500 00	56
For salaries supreme court judges of the District of Columbia	24,500 00	6	24,500 00	6	24,500 00	6
For salaries United States attorneys	20,100 00	68	20,100 00	68	20,100 00	68
For salaries United States marshals	12,700 00	61	12,700 00	61	12,700 00	61
Total judicial	408,300 00	210	406,800 00	210	408,300 00	210
Court of Claims.						
For salaries	30,740 00	10	29,840 00	9	29,840 00	9
For contingent expenses	4,000 00	.....	4,000 00	.....	4,000 00	.....
Total Court of Claims	34,740 00	10	33,840 00	9	33,840 00	9
Grand totals*	21,406,685 62	9,706	20,560,119 42	9,429	21,371,605 05	9,653

* Not including salaries reimbursable or payable from other appropriations.

NOTE.—Net increase in amount of estimates, 1887, over appropriations, 1886	$35,080 57	
Net increase in number of salaries estimated, 1887, over appropriations, 1886		53
Net decrease in amount of this bill under estimates, 1887	846,566 20	
Net decrease in number of salaries in this bill under estimates for 1887		277
Net decrease in amount of this bill under appropriations for 1886	811,485 63	
Net decrease in number of salaries in this bill under appropriations for 1886		224

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2496.

CONSIDERATION OF BUSINESS FROM THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

MAY 20, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany Mis. Doc. 252.]

The Committee on Public Buildings and Grounds, to which was referred the resolution, dated April 26, 1886, fixing a day for consideration of business reported from the said committee, respectfully reports:

That the policy of erecting public buildings for the use of the Government has been established for many years, and is a proper one when kept within economical limits. In the interest of economy, it is proper that the various propositions of this nature should be awarded time for their business-like consideration, so that the House may act with judgment thereon.

That the House has constituted this as one of its standing committees, and has referred to it measures of this character in great numbers, and your committee has endeavored to discharge the duty assigned to it to the best of its ability by examining the several propositions in detail, and coming to such conclusions as, in the opinion of the committee, will best protect the interests of the Government and tend to the convenience of the people of the various sections, in the dispatch of such business as they may have to transact of a public nature; and the committee, therefore, does not think it is asking too much for the measures reported, as the result of arduous labor, extending over several months of almost daily sessions, that the House should set apart a small part of its time to consider and act upon these measures in the interest of the public.

The committee has endeavored to keep within the limits of expenditures adopted by former Congresses, and has presented to the House propositions aggregating in the whole a smaller amount than recent Congresses have been pleased to enact into laws; and while it may be deemed proper to report a few more bills, yet the great bulk of the business of the committee is already in the possession of the House.

Up to this date the committee has reported to the House bills involving an expenditure of $5,944,500. It would be very remarkable, indeed, if it should happen that every bill reported should become a law during the present Congress; and yet, if such should be the case, it would involve less expenditure of public moneys than the laws of this kind passed by recent Congresses. In the Forty-sixth Congress, the amount of new expenditure authorized was $6,252,107; in the Forty-seventh

Congresses there remain of the reports of this committee measu
gregating $3,169,500. But it must not be supposed that this a
represents new propositions, for $1,624,500 of this amount repr
either extensions of limit for buildings already authorized or adc
of land or of rooms to old buildings or sites. In many of these ins
it is a matter not simply of convenience, but of necessity, to gra
increase or extension asked for. Your committee does not inte
criticise the legislation of former Congresses, but will state that
to the manner in which such bills have been heretofore passed,
safeguards against excessive expenditure were wanting which ar
adopted by this House. If the House will devote the time provid
this resolution to consideration of bills now on its Calendar, the
sity for subsequent legislation of this kind will be in great me
avoided.

The new propositions submitted for the action of the House, ir
an expenditure of $1,545,000. Hence it will be seen that there is nc
to tempt the House to extravagance, or to give the opportunity fc
ceeding, or even of reaching the limits of the action of former Congr
and it cannot be justly said of this committee, that it has contribu
unusual expenditures of the public moneys.

As a summary of the foregoing, the following figures are subm

Amount in bills favorably reported in former Congresses	$2,
Amount of extensions of limit, &c	1,
Amount for new sites and buildings	1,
Total amount reported	5,
Amount of bills passed House	1,
Amount on Calendar	4,

When it is considered that the work of this committee, and the
of the House in regard to bills for public buildings, must be main
complished during the first session, since the short second sess
necessarily occupied with the current appropriations; and, wh
addition, it is borne in mind that this is the work of two years, a
order to contrast it with annual expenditures, the amount above

ent of limits of expenditures authorized on buildings in process of erection during ty-sixth, Forty-seventh, and Forty-eighth Congresses, either for new buildings or in s of limits fixed prior to the Forty-sixth Congress.

tate.	Place.	Expenditures authorized for buildings named prior to Forty-sixth Congress.	Expenditures authorized by Forty-sixth Congress.	Expenditures authorized by Forty-seventh Congress.	Expenditures authorized by Forty-eighth Congress.	Total.
a	Montgomery		$125,000	$30,000	$10,000	$165,000
as	Little Rock	$225 729	22,271			248,000
nia	Sacramento				100,000	100,000
	San Francisco, appraiser's stores.	805,000	35,000			840,000
lo	Denver			300,000		300,000
ticut	Hartford	500,000	150,000	22,000		672,000
	New Haven				50,000	50,000
re	Wilmington				150,000	150,000
	Pensacola			200,000		200,000
	Key West				100,000	100,000
a	Atlanta	260,000	15,000			275,000
	Macon				125,000	125,000
	Chicago	5,675,000	145,000	31,000	63,507	5,914,507
	Chicago appraiser's store				50,000	50,000
	Cairo marine hospital			60,000	27,000	87,000
	Peoria			225,000		225,000
	Quincy			175,000		175,000
	Springfield				26,000	26,000
a	Evansville	315,000	25,001			340,001
	Fort Wayne			100,000	100,199	200,199
	Terre Haute			150,000		150,000
	New Albany				100,000	100,000
	Council Bluffs			100,000	150,000	250,000
	Des Moines			100,000	80,000	180,000
	Keokuk				100,000	100,000
	Dubuque				13,000	13,000
	Topeka	210,000	20,000	56,200	10,000	296,200
	Leavenworth			100,000	60,000	160,000
	Wichita				50,000	50,000
	Fort Scott				50,000	50,000
ky	Paducah		100,000	33,500	2,000	135,500
	Frankfort			100,000	15,000	115,000
	Louisville			500,000	641,000	1,141,000
	Lexington				150,000	150,000
na	New Orleans	4,042,592	87,000	75,000	40,000	4,244,592
	Shreveport			100,000	5,000	105,000
	New Orleans marine hospital.			100,000		100,000
	Augusta				150,000	150,000
nd	Baltimore	500,000	1,511,835			2,011,835
	Baltimore marine hospital.			100,000		100,000
husetts	Boston	4,854,295	700,000	275,000	118,291	5,947,586
	Fall River	440,000	78,000	15,000		533,000
	New Bedford				20,000	20,000
an	Detroit			600,000	300,000	900,000
	Marquette			100,000		100,000
ota	Minneapolis			175,000	417,378	592,378
	Winona				100,000	100,000
ippi	Jackson		100,000		15,000	115,000
	Oxford			50,000		50,000
ri	Saint Louis	5,050,000	700,000	280,000	25,700	6,055,700
	Saint Louis marine hospital.				10,000	10,000
	Kansas City	200,000	100,000		70,000	70,000
	Hannibal			75,000	18,000	93,000
	Jefferson City			100,000	32,000	132,000
	Saint Joseph			75,000	225,000	300,000
ka	Lincoln	194,500	5,000			199,500
	Nebraska City				75,000	75,000
	Carson City				100,000	100,000
ampshire	Concord			200,000		200,000
	Manchester				200,000	200,000
ork	Albany	655,000		70,000	55,343	780,343
	Utica	386,000	20,000	7,500	763	414,263
	New York Barge Office	434,752	100,000	24,000		558,752
	Buffalo			175,000		175,000
	Brooklyn			800,000		800,000

Limits of expenditures authorized on buildings in process of erection, &c.—Continu

State.	Place.	Expenditures authorized for buildings named prior to Forty-sixth Congress.	Expenditures authorized by Forty-sixth Congress.	Expenditures authorized by Forty-seventh Congress.	Expenditures authorized by Forty-eighth Congress.	To
New York	Poughkeepsie			$75,000	$30,000	$1
	Rochester			300,000		3
	Syracuse			200,000	103,000	3
	Troy				200,000	2
North Carolina	Greensborough			50,000	7,500	
Ohio	Cleveland		$150,000	150,000	18,000	3
	Cincinnati	$4,100,000	700,000	600,000	400,000	5,8
	Cincinnati marine hospital.			100,000		1
	Toledo		400,000			4
	Columbus			250,000	60,000	3
	Springfield				100,000	1
Pennsylvania	Philadelphia	4,550,500	700,000	800,000	61,000	6,1
	Pittsburgh	300,000		750,000	750,000	1,8
	Erie			150,000	100,000	2
	Scranton			75,000		
	Williamsport			100,000		1
	Reading				80,000	
Tennessee	Memphis	510,000			60,500	5
	Memphis marine hospital.		30,000	16,000	30,000	
	Nashville	377,000	41,000	6,000		4
	Jackson			50,000	10,000	
	Chattanooga				100,000	1
Texas	Dallas			75,000	25,000	1
	Galveston			125,000		1
	Tyler				50,000	
	Waco				100,000	1
	Austin	140,000	46,000			1
Vermont	Montpelier				75,000	
Virginia	Danville		70,000	30,000	10,300	1
	Abingdon			50,000	12,000	
	Harrisonburg			50,000	22,500	
	Lynchburg			100,000	25,000	1
	Richmond				150,000	1
West Virginia	Charleston		75,000	10,000	5,853	
	Clarksburg				50,000	
Washington Ter.	Port Townsend				70,000	
Alaska	Sitka				11,000	
	Total	34,725,368	6,251,107	9,791,200	6,916,834	

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2497.

APPROPRIATIONS FOR THE NAVAL SERVICE.

MAY 21, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HERBERT, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill H. R. 8975.]

The Committee on Naval Affairs submit the bill making appropriation for the naval service for the fiscal year ending June 30, 1887, *with the following report:*

Your committee, to whom was referred the estimates for the appropriations for the naval service for the fiscal year ending June 30, 1887, have carefully considered the same, and have investigated as thoroughly as time and their other duties would permit the operations of the several bureaus and departments of the Navy. They have endeavored to frame a bill that would appropriate money enough for all the necessities of the Navy, and they confidently believe that the sums recommended are adequate and sufficient, and that no deficiency bill will be necessary to supply any deficits in this. They have therefore deemed it necessary to appropriate for many items larger amounts than were given last year. This will be found especially to be the case in the appropriations for the Naval Academy and the Naval Asylum. Quite a number of items have also been added to the bill; such as the appropriation of $30,000 to purchase a new proving-ground, and $50,000 for a new naval observatory. But in other respects your committee has been able to effect important reductions of expenditures. The amount of appropriations for the current fiscal year was $15,029,704.95. The amount in the present bill is $11,849,858.70. But the act appropriating for the present year included appropriations for the increase of the naval establishment, amounting to $1,895,000. Your committee have provided in a separate bill for the increase of the naval establishment contemplated during the fiscal year 1887.

In comparing the present bill with that which preceded it, this sum should be deducted from the latter.

Your committee have also transferred a surplus of $325,000 from the clothing and small-store fund of the Bureau of Provisions and Clothing, and authorized its use for other purposes in the same Bureau, thereby to that extent lessening the appropriations from the Treasury for the use of that Bureau.

We also found that large sums of surplus moneys, the accumulations of excessive appropriations in preceding years, were standing to the credit of the funds "pay of the Navy" and "pay of the Marine Corps," with no corresponding outstanding indebtedness. Your com-

mittee believe that no such surplus ought to be allowed to stand to the credit of any Department of the Government, especially when, as in this instance, it is plainly unnecessary. We therefore propose that these surplus sums shall be used for the pay of the Navy and pay of the Marine Corps, for which purposes they were appropriated. This enables us to further reduce appropriations by the sums of $576,380.24 and $200,000. These sums, having been already appropriated by former Congresses, of course require no reappropriation, and are only mentioned in explanation of the bill.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2498.

SEWELL COULSON AND PORTER, HARRISON & FISHBACK.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SPRINGER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 249.]

The Committee on Claims, to whom was referred the bill (S. 249) for the relief of Sewell Coulson and Porter, Harrison & Fishback, having had the same under consideration, submit the following report:

This bill is precisely the same in text as House bill 7409, already reported favorably by this committee, as will appear by Report No. 1377 of this session, which report is adopted as the report on the Senate bill, the passage of which is recommended in lieu of the House bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2499.

HENRY O'NEAL.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6883.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6883) granting a pension to Henry O'Neal, respectfully report:

Your committee find that the name of Henry O'Neal, late a private in Company K, One hundred and sixteenth Regiment Pennsylvania Volunteers, is now borne on the pension-rolls, and they therefore report this bill adversely and ask that it do lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2500.

ELIZA McCONNELL.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill R. H. 2121.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2121) granting a pension to Eliza McConnell, respectfully report:

They find that the relief asked for in this bill has since been granted by the Pension Office. Your committee therefore report adversely and ask that the bill be laid on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2501.

WILLIAM RICKARDS.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1999.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1999) for the relief of William Rickards, respectfully report:

This bill asks that the Secretary of the Interior be authorized and directed to pay to William Rickards, late colonel of the Twenty-ninth Pennsylvania Volunteers, such sum of money as shall be found to have been withheld from him by reason of a reduction of his pension from 1866 to 1871.

As such action would be in direct opposition to the practices of this committee, they therefore report the bill adversely and ask that it do lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2502.

SARAH BARR.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2183.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2183) granting a pension to Sarah Barr, respectfully report:

Thomas Barr enlisted November 28, 1861, Company C, Eighteenth United States Infantry, and was discharged November 26, 1864. He died September 1, 1881, having been caught under a falling tree in the woods, as is sworn to by Jacob Holber, who was with him at the time. His widow's claim was rejected by the Pension Office on the ground that the soldier's death was caused by an accident, and it was not due to any wound or injury received or disease contracted in the service of the United States.

A careful examination of the papers in the case substantiate the above facts.

Your committee have examined this claim with great care, having noticed among the papers that this soldier's widow is quite poor, and that she has supported her six children, as she expresses it, "out of the washtub." Her husband having been wounded in the arm in battle drew a pension for this disability up to the time of his death. His wife states that he asserted on his death-bed that had it not been for his lame arm, which "cramped," he could have saved himself, and that he made this statement under the impression that she would continue to draw his pension after his death.

Your committee are compelled to report this bill adversely, although they feel that it is possible that the injury to the arm was instrumental in producing the soldier's death. They hope, however, that a law will be passed which will meet this character of cases which appeal most strongly to their sympathies and sense of what is just, but which are not covered by existing law. They, with this explanation, ask that the bill do lie on the table.

O

[CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
t Session. } { No. 2503.

CATHARINE BERNHART.

MAY 21, 1886.—Laid on the table and ordered to be printed.

SWOPE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2056.]

Committee on Invalid Pensions, to whom was referred the bill (H. R. 2056) granting a pension to Catharine Bernhart, report:

is claimant's application to the Pension Office for pension was re-
d, without reference as to whether soldier died of disease contracted
ie of duty, on the ground that at the date of his death claimant was
lependent upon him for support.

ur committee, after a careful examination of the papers in this
sustain the decision of the office. They find that when soldier
he left his widow property valued at $15,000. This fact is not
adicted. It is in evidence that owing to mismanagement of the
the claimant was obliged to sell the same in 1875, and that she
has a small income.

view of the fact that the soldier left his widow a comfortable in-
, and, therefore, she was able to and did support herself until
d to sell the same, your committee hold that she is not entitled to
ision. There is nothing on file to show that at the present time
iant is in need of assistance.

ur committee report adversely, and ask that the bill do lie on the
.

TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2504.

THE PHENIX NATIONAL BANK.

AY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

r. BUCHANAN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1599.]

he Committee on Claims, to whom was referred Senate bill 1599, *respectfully report:*

The report of the Judiciary Committee of the Senate (hereto annexed) ts forth the facts in this case. For the reasons embodied in said report your committee recommend that the bill do pass.

[Senate Report No. 570, Forty-ninth Congress, first session.]

The Committee on the Judiciary, to which was referred the bill (S. 1599) for the reef of the Phenix National Bank, of the city of New York, report the same without mendment, and recommend its passage.

The memorial of the bank presents a full exhibition of the facts and circumstances pon which its claim for the relief is based, and the statements of the memorial are ustained by complete and indisputable evidence, resting upon documents and judiial records and decisions.

The case thus made out to the satisfaction of the committee as entitling the Phenix ank to the relief granted by the bill, is as follows:

The Phenix Bank, in due course of dealing with the Bank of Georgetown, of Georgeown, in South Carolina, prior to the interruption of intercourse with the States in ebellion against the United States, was indebted to the Bank of Georgetown for the alance of deposits in the sum of $12,117.38.

On or about the 4th of January, 1865, one David Risley presented to the Phenix ank a check for $10,000, drawn by the Bank of Georgetown upon the Phenix Bank, ated May 20, 1861, to the order of said Risley, and demanded payment thereof. The henix Bank refused the payment demanded, on the ground that all the moneys to e credit of the Bank of Georgetown with the Phenix Bank had been seized and atched by the marshal of the United States for the southern district of New York, nder powers issued from the district court of that district for the confiscation of said oneys to the United States.

On or about the 25th of January, 1865, the Phenix Bank paid to the said marshal ll said moneys, under and in obedience to the order, decree, and process of the said ourt requiring such payment.

On or about the 14th of January, 1867, said Risley brought an action at law in the upreme court of the State of New York, in the city and county of New York, to reover the said amount of $10,000, and interest on the same from the 4th of January, 865, when demand was made upon the Phenix Bank for the payment of said sum.

The Phenix Bank set up as a bar and defense against the recovery sought the proess, attachment, seizure, and payment to the marshal, as hereinbefore stated, and he litigation upon this bar and defense was carried through the supreme court and ourt of appeals of the State of New York, and upon writ of error, through the Supreme Court of the United States. In this litigation, and upon the merits, in these

United States, which was regularly covered into the Treasury.

By information communicated to the committee from the Department of Just appears that the conduct of the case on the part of the Phenix Bank in the Sup Court of the United States was submitted to the Department of Justice, both i brief in advance of the oral argument and at the oral argument, and the defens approved by the Department as wholly satisfactory.

The bill provides for the payment to the Phenix Bank of the mere amount pa it to the sheriff of the city and county of New York, without any interest the This reimbursement to the Phenix Bank, in the opinion of the committee, is a and necessary obligation of the United States, which will be discharged by the sage of this bill.

Memorial to Congress for the payment of certain moneys to the Phenix National Bank c city of New York.

To the Senate and House of Representatives of the United States in Comgress assembla

The memorial of the Phenix National Bank of the city of New York respectf represents to your honorable body:

That your memorialist, being now a national bank, duly created and existing u and by virtue of the laws of the United States, prior to the 25th day of January. I had on deposit certain moneys belonging to the bank of Georgetown, of Georgeto South Carolina.

That on or about the said 25th day of January, 1865, your memorialist paid to I ert Murray, United States marshal for the southern district of New York, all of moneys, amounting to the sum of $12,117.28, under and in pursuance of an order of district court of the United States for the Southern district of New York, duly m and granted in certain proceedings therein pending, entitled The United States *vs.* tain Moneys on Deposit in the Phenix Bank, belonging to the Bank of Georgetow Georgetown, South Carolina, to which court jurisdiction in that behalf belonged virtue of the confiscation laws of the United States.

That on or about the 4th day of January, 1865, one David Risley presented a ch to your memorialist dated May 20, 1861, for $10,000, drawn by said bank of Geo town to his order upon your memorialist, and demanded payment thereof.

That your memorialist refused to pay said check by reason of the fact tha moneys or balance to the credit of said bank of Georgetown had been duly seized attached by said United States marshal in and by virtue of the said above-mentio proceedings.

That in an action or suit thereafter commenced in the supreme court of the Stat New York by said David Risley, as plaintiff against your memorialist as defend your memorialist was sued to recover the face value of said check, the same amou ing to the sum of $10,000 and interest thereon.

That as a bar to said action or suit, the said defendant therein, your memorial

$152.92 costs was entered on the 20th day of November, 1879, in favor of said plaintiff and respondent against said defendant and appellant, your memorialist.

That thereafter your memorialist duly appealed from said judgment to the court of appeals of the State of New York, to whom appellate jurisdiction in that behalf belonged, and said court decided against the validity of said seizure and confiscation aforesaid, and against the validity of said record and judgment, and rendered final judgment affirming the aforesaid judgment in all things with costs.

That thereafter by writ of error directed to the said court of appeals of the State of New York, the said judgment of the said court of appeals was reviewed by the supreme court of the State of New York, to whom appellate jurisdiction in that behalf belonged.

That hereunto annexed and marked Exhibit A, is a transcript of the record of the said suit or action, sent and directed by said court of appeals to the justices of the Supreme Count of the United States.

That thereafter and on the 24th day of March, 1884, said Supreme Court of the United States affirmed said judgment of the said court of appeals of the State of New York.

That hereunto annexed and marked Exhibit B, is the opinion of the Supreme Court of the United States affirming said judgment.

That thereafter and upon the 24th day of March, 1884, your memorialist paid to the sheriff of the city and county of New York the sum of $29,624.35 in full satisfaction of the aforesaid judgments under executions issued against the property of your memorialist in said action.

That said judgments were thereupon duly satisfied and discharged, as appears by the copies of said execution and the returns thereof, duly exemplified under the seal of the supreme court of the State of New York hereunto annexed and marked Exhibit C.

That your memorialist has been compelled to pay and has paid in defending said action to persons employed as counsel, and exclusively for defending against the claims of the plaintiff in said action, the sum of $8,742.32.

That hereunto annexed, and marked Exhibit D, are the receipts of the sheriff of the city and county of New York, and of the attorney for the plaintiff in said action, for the amounts received by them from your memorialist in satisfaction of said judgments, and the affidavits of the president and cashier of your memorialist, setting forth the amounts paid by your memorialist to said sheriff and the amounts paid in defending said action as aforesaid, with a summary statement of the same thereto annexed.

To all of which exhibits your memorialist prays leave to refer and to make part of this its memorial.

That by reason of the premises, your memorialist has suffered manifest injustice and hardship.

That your memorialist would therefore respectfully pray your honorable body that a law be enacted granting to your memorialist such relief in the subject hereof as of right and justice ought to be done.

Dated December 17, 1884.

PHENIX NATIONAL BANK OF THE CITY OF NEW YORK,
BY GEORGE L. NICHOLS,
Director and Agent and Representative of the Bank for the purposes of this Memorial.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2505.

HENRY WEAVER.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3685.]

The Committee on Invalid Pensions, to whom was referred House bill 3685, *submit the following report:*

Soldier was granted a pension from February 14, 1865, to June 4, 1872, at the rate of $4 per month for rheumatism, when, according to the report of medical examination, his said disability ceased to exist in a pensionable degree. Should his disability recur, he has ample remedies under existing law.

Your committee recommend that the bill lie on the table.

O

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2506.

JOHN HAYDEN.

MAY 21, 1886.—Laid on the table and ordered to be printed.

TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6288.]

Committee on Invalid Pensions, to whom was referred House bill 6288, submit the following report:

he only evidence showing the incurrence of disability is the affidavit claimant, which the committee do not consider sufficient to warrant vorable report. We therefore recommend that the bill lie on the le.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2507.

LEVI HOSKINS.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7268.]

The Committee on Invalid Pensions, to whom was referred House bill 7268, submit the following report:

Claimant filed application for pension October 6, 1879, spinal disease and rupture of stomach, which was rejected on the ground no record or other satisfactory evidence showing the incurrence of the alleged disabilities while in the service and line of duty. Your committee find nothing in the record to justify your committee in reversing the decision of the Pension Office. We therefore recommend that the bill lie on table.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2508.

CHRISTOPHER H. MATHEWSON.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5276.]

The Committee on Invalid Pensions, to whom was referred House bill 5276, *submit the following report:*

This case is pending in the Pension Office; we therefore recommend this bill lie on table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2509.

MILTON WALLACE FONDRAY.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3025.]

The Committee on Invalid Pensions, to whom was referred House bill 3025, *submit the following report:*

Milton W. Fondray, late private Company I, Fifty-fifth Kentucky Volunteers, filed claim for pension based on epilepsy incurred while in Army. His claim was rejected on the ground that the alleged epilepsy was incurred subsequent to discharge. The only evidence as to the incurrence of the disability in the service which your committee consider as competent is his own and that of one of his comrades, to the effect that while on a scout the claimant complained of being overcome by the heat. He never was treated in service or subsequent to discharge until 1872.

Your committee do not think that the facts will justify them in reversing the decision of the Pension Office. We therefore recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2510.

J. F. HERD.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7271.]

The Committee on Invalid Pensions, to whom was referred House bill 7271, submit the following report:

Claimant was dropped from the pension-roll on the certificate of a board of examining surgeons, establishing the fact that the disability for which claimant had been receiving a pension did not exist in a pensionable degree. Should the said disabilities develop to a pensionable degree the claimant has ample remedies under existing law.

Your committee therefore recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2511.

LEMUEL MAIN.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany H. R. 8405.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8405) granting a pension to Lemuel Main, submit the following report:

Lemuel Main, late private Company G, Second Regiment Tennessee Volunteers, filed claim for pension, based on alleged disabilities resulting from typhoid fever, which caused disease of lungs, which claim was rejected June 27, 1884, on the ground of no disabilities from alleged typhoid fever based on medical examination. Should the injuries for which he claims pension hereafter develop to a pensionable degree, he has ample remedies under existing laws.

Your committee therefore recommend the bill lie on the table.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2512.

LARKIN CHANDLER.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7277.]

The Committee on Invalid Pensions, to whom was referred House bill 7277, submit the following report:

This claimant was dropped from the pension-rolls December 8, 1885, on the ground that the legal reviewer recommends dropping name from rolls upon special examiner's report that the injury to left wrist was received in a scuffle with a comrade.

Your committee, having carefully examined the evidence in the case, concur in the opinion, and therefore recommend that the bill lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2513.

MARGARET A. McGARY.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2317.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2317) for the relief of Margaret A. McGary, former widow of John W. Roach, deceased, submit the following report:

Claimant has remarried since death of the soldier, and from the evidence before your committee has failed to show that she is divorced from last husband, or that he is not living.

The committee recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2514.

WILLIAM SIMPSON.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2300.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2300) for the relief of William Simpson, submit the following report:

Claimant's case is still pending in the Pension Office. Your committee therefore recommend that the bill lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2515.

SAMUEL McCLURE.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. TAULBEE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6064.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R 6064) granting a pension to Samuel McClure, submit the following report:

Samuel McClure, late corporal Company B, Twelfth Kentucky Regiment, filed claim for pension, based on alleged disabilities resulting from shell wound and weak back, which claim was rejected February 12, 1885, on the ground of no disabilities from alleged injuries based on medical examination. Should the injuries for which he claims pension hereafter develop to a pensionable degree, he has ample remedies under existing laws.

Your committee therefore recommend the bill lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2516.

HEIRS OF JOHN C. HOWSE.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STONE, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 4292.]

The Committee on War Claims, to whom was referred the bill (H R. 4292) for the relief of the heirs of John C. Howse, deceased, submit the following report:

The claim presented embraces items for quartermaster's stores stated at $20,197; for commissary supplies, $3,645; total, $23,842.

The claims were presented, under the act of July 4, 1864, to the Quartermaster-General, United States Army, and to the Commissary-General of Subsistence, United States Army. That portion of the claim embracing subsistence supplies was considered by the Commissary-General of Subsistence, July 23, 1868, and rejected because, as was decided by the Commissary-General, "it was a case requiring special or further legislation for its settlement."

That part of the claim embracing quartermaster's stores was considered by the Quartermaster-General, April 16, 1867, and the following decision was rendered:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., April 16, 1867.

SIR: I have the honor to return, with report, a claim in favor of Martha L. Russell, Rutherford County, Tennessee, for value of 15 horses, $1,875; 10 mules, $1,300; 4,000 bushels of corn, $4,000; 38 stacks of fodder, $570; and 3,500 cords of wood, $10,500, referred to this office by the War Department, February 19, 1867 ($18,245). It is stated by the claimant in her application that these stores were taken and used by the United States forces of the Twenty-first Army Corps, under General Crittenden, which was encamped on her premises near Murfreesborough, Tenn., during the battle of Stone River, on or about December 30, 1862.

The evidence of former officers of the corps, including the affidavit of L. Russell, assistant surgeon Second Kentucky Volunteer Infantry (now the husband of claimant); George W. Griffith, brevet major Second Kentucky Cavalry; Capt. E. A. Otis, assistant adjutant-general, and Capt. I. R. Paul, commissary of subsistence, together with the testimony of other credible witnesses, is presented in support of the claim. The officers referred to respectfully state that they were present and witnessed the occupation of the plantation by the forces under General Crittenden; that the hospitals and corps headquarters were established there; that the Army was then in need of supplies, and that everything necessary found on the premises was taken and applied to the use of the command.

It is stated in evidence, in explanation of the reason why receipts were not issued, that the proper officers were not accessible to claimant, who was then a widow, and that the sudden movement of the troops precluded the possibility of their being obtained.

Affidavits of citizens of the vicinity, certified to be credible, are also presented in proof of the loyalty of claimant and the justice of her claim.

The case was referred by this office, February 21, 1867, to Bvt. Brig. Gen. Thomas Swords, assistant quartermaster-general, for special investigation and report as to the merits of the charges for the quartermaster stores mentioned.

Capt. E. B. Kirk, assistant quartermaster-general, United States Army, as is shown by indorsement of General Swords, was detailed to proceed to Murfreesborough and make a special and thorough investigation of all the facts in the case. His report has been forwarded, and is as follows:

"OFFICE ASSISTANT QUARTERMASTER,
"*Nashville, Tenn., March* 31, 1867.

"Respectfully returned to Brig. Gen. Swords, A. Q. M. General.

"Upon a full personal investigation of the inclosed claim of Mrs. Russell, I have the honor to report, that the commands specified within did actually occupy her plantation as stated, and from all the evidence I have been able to obtain it is my opinion that all the property for which this claim is made was taken by the United States Army.

"I find that about 1,060 cords of wood mentioned within were fence rails, being some 80,000 in number; 26 log cabins, torn down and burned, would average five (5) cords per building; the balance of the wood was in the tree, and was not worth over $1 per cord. Corn was not worth over 75 cents per bushel at that time. The prices charged for the horses, mules, and fodder are considered reasonable and just.

"I would respectfully recommend that this claim be allowed on the basis of this indorsement.

"E. B. KIRK,
"*Assistant Quartermaster, U. S. A.*"

I respectfully recommend the following allowance for such of the items as are properly chargeable to this department:

For 15 horses	$1,725 00
For 10 mules	1,250 00
For 4,000 bushels corn	3,000 00
For 38 stacks fodder	570 00
For 2,310 cords of wood in the tree	2,310 00
For 1,060 cords of wood, rails (shown by the affidavits to have been used to keep the wounded from freezing)	2,120 00
Amounting to	10,975 00

The remainder of the charges for wood contained in the cabin is recommened for disapproval, the destruction of these buildings being regarded as depradations on the part of the troops.

I have the honor to remain, sir, your obedient servant,

D. H. RUCKER,
Acting Quartermaster-General, Bvt. Maj. General, U. S. A.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.

The act of July 4, 1864, required that the findings of the Quartermaster-General should be reported to the Third Auditor of the Treasury, but by some unaccountable error the decision in this case was reported to Edwin M. Stanton, then Secretary of War. The case was returned by the Secretary of War to the Quartermaster-General, and, pending further action, communications were received impeaching the loyalty of claimants. The case remained suspended until December 3, 1880, when it was again considered by the Quartermaster-General and rejected, because, as was decided by the then Quartermaster-General, he was unable to certify that he was convinced of the loyalty of claimant.

The claimants in the case are the heirs of John C. Howse, deceased, who died in 1855. They are his widow and three children, girls, the oldest of whom was, at the time this property was taken, eleven years of age.

Your committee have therefore examined carefully into the loyalty of the widow.

[illegible] the claim had been reported to the Third Auditor of the Treasury, [illegible] he act of July 4, 1864, directed, it would undoubtedly have been

l, as allowed by the Quartermaster-General, at $10,975, in 1867, but
error of the Quartermaster-General caused the delay. Inasmuch
he claim was carefully examined by the quartermaster's agent and
wed by the Quartermaster-General in 1867, and as the evidence
justifies the decision then made, your committee have carefully
nined the question of *loyalty*, which was the ground upon which
Quartermaster General rejected the case in 1880.
iree of the claimants were minors (girls). Their loyalty will not be
tioned. The widow was remarried in 1865, during the month of
iary, to Leonidas Russell, who was an officer in the Union Army.
on the question of loyalty, the papers disclose the following offi-
orders:

HEADQUARTERS UNITED STATES FORCES,
Murfreesboro, Tenn., August 18, 1862.

. Howse having applied to these headquarters for the protection of a safeguard,
ig satisfied me of her loyalty to the United States, such protection is hereby
her. All persons in the employ of the United States are warned at their peril
take or molest the property or things or disturb the quiet of her household.

W. B. HAZEN,
Colonel, Commanding at Murfreesboro.

MEDICAL DIRECTOR'S OFFICE, DEPARTMENT OF THE CUMBERLAND,
Headquarters, March 4, 1863.

: The general commanding directs that rations are to be issued to Mrs. Howse
ervants. She is to pay for them if practicable; if not, the rations are neverthe-
be issued.
order of medical director, Department of the Cumberland.

JAMES F. WEIDS, A. S., U. S. A.,
Assistant Medical Director, Department of the Cumberland.

seems remarkable to your committee that in view of the foregoing
rs issued about the time her property was taken, and in face of a
e number of affidavits of Army officers, any question could be raised
the loyalty of Mrs. Howse (now Mrs. Russell). Your committee
satisfied, after a careful examination of the evidence, that the only
mony impeaching Mrs. Howse's loyalty emanated from personal
nies of her second husband, Dr. Leonidas Russell, who occupies a
inent part in the politics of Rutherford County, Tennessee, and
this question an agent of the Quartermaster-General, specially
iled to investigate the facts, reported under date of July 2, 1880:

ainst her loyalty are certain charges made, against the conduct of her second
and since the war, by men who had very emphatically sworn to her loyalty as a
er of personal knowledge.

* * * * * * *

t it is opposed by an overwhelming mass of contrary testimony, much of it
persons equally entitled to credence and having a longer acquaintance, and
ant would seem to be entitled to the benefit of the great preponderance of the
mony in her favor.
e is entitled to the benefit of testimony in her favor, which greatly preponder-
and, I repeat, her loyalty.

our committee are satisfied, after a careful examination of the evi-
ce, that Mrs. Howse (now Mrs. Russell) was loyal to the Govern-
t of the United States, and this appears to be the only point ques-
ed by the Quartermaster General in his decision of 1880.
e claims presented are for $23,842. The claimants now propose to
pt $10,975, the amount allowed by the Quartermaster-General in
, as a full settlement *of all claims* and demands against the United

[illegible] because, owing to the long lapse of time since the claim originated, as well as the unsettled condition of the country at that time, it will now be extremely difficult, if not impossible, to secure competent testimony to establish the claim in the Court of Claims; and claimants contend that the report of Captain Kirk was made after a personal examination by him very shortly after the property was taken; that the action of the Quartermaster-General in 1867 was in accordance with law, and the sum allowed should be paid.

We are clearly of opinion that payment should be made for the property taken, and think, under all the circumstances, that the amount allowed by the Quartermaster-General should be, as is proposed by claimants, accepted by all parties as final; and we therefore recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2517.

MARION REEVES.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7009.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7009) granting a pension of Marion Reeves, having considered the same, report as follows:

An examination of the evidence filed in this case discloses the following facts: Claimant's application for a pension was rejected by the Pension Office September 29, 1885, on the ground that claimant's disability of sore eyes existed prior to his enlistment and was not due to his service.

Dr. S. H. Pemson and two other physicians testify to having treated claimant for catarrhal ophthalmia in 1861, prior to his enlistment.

Your committee, believing the evidence on this point conclusive, report the bill adversely, with the recommendation that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2518.

OTIS S. STAFFORD.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 511.]

The Committee on Invalid Pensions, to whom was referred the bill (H R. 511) granting a pension to Otis S. Stafford, having considered the same, find that the Pension Office rejected said claim October 3, 1883, on the ground that the alleged disability of double inguinal hernia was incurred prior to enlistment; three special examinations having been made since the action of the Pension Office, with the same finding.

Your committee, after a careful examination of the evidence on file in the case, sustain the action of the Pension Office, and report the bill adversely, and recommend that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2519.

ELIZABETH WOODGILL.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3346.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3346) for the relief of Elizabeth Woodgill, having considered the same, report as follows:

The claimant in her application alleged soldier died of throat disease and typhoid fever. The application was rejected by the Pension Office August 5, 1883, for the reason soldier died of typhoid fever and it was in no way connected with his military service.

Dr. O. F. Botkin, of Findlay, Ill., swears that he treated soldier in his last illness, and that he died of typhoid fever.

Your committee, believing the evidence in this case in no way connects the cause of soldier's death with his military service, report the bill adversely, with the recommendation that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2520.

ROBERT K. BENNETT.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7698.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7698) granting a pension to Robert K. Bennett, submit the following report:

This soldier enlisted in Company H, One hundred and fifty-sixth Regiment New York Volunteers, September 25, 1862, and was discharged upon surgeon's certificate of disability February 22, 1863. In his application for a pension, filed June, 1880, he alleges rupture and hemorrhoids. This was rejected on the ground that disability existed prior to enlistment.

In the certificate of disability under which the soldier was discharged from service the surgeon states:

I find him incapable of performing the duties of a soldier because of varicocele, to which he was subject four years before enlistment.

Dr. F. S. Green testifies to an intimate acquaintance with claimant from childhood, and that he believes he was sound.

Dr. George C. Smith, regimental surgeon, testifies that he knew claimant in the service, and believes he was in good health at time of enlistment; that claimant was sent to hospital for some disability, and never returned, but he cannot recollect the nature of the disability.

Capt. John F. Vaughn, commanding claimant's company, testifies:

At the time of enlistment the said Robert K. Bennett was in good health; that when said regiment arrived at Key West claimant was detailed in the cook shop, and there worked until the regiment reached Camp Carlton, La.; that a short time after said regiment arrived at Camp Carlton (about the middle of February) and while said Bennett was unloading a barrel of beef from a Government wagon he slipped and thereby got badly hurt; by reason of said injury he was disabled, and sent to the Marine Hospital at New Orleans.

James D. Covert, a comrade, testifies that—

While claimant was unloading a Government wagon at Camp Carlton, La., a barrel of beef slipped, and Bennett undertook to hold it. He complained right away that he was hurt, and deponent helped carry him to the tent near by, and watched with him and gave him medicine under the direction of the regimental surgeon. Deponent tended him about one week, when he was sent to the marine hospital. In a few minutes after he was hurt deponent saw the injury—said Bennett's testicles were swollen and black, and on his right leg just above the knee, near the under side, was also swollen and black.

Harvey Griffin, another comrade, fully corroborates the above.

Dr. [illegible] testifies to treating claimant in 1867 and 1873, and [illegible] year since the disability.

The examining surgeon at Catskill, N. Y., reports March, 1882—

[illegible] as though it had at some time been mashed [illegible] remainder missing back and lower limbs, and rates at total disability.

The examining board of surgeons at Albany, N. Y., report December 20, 1882, after giving a minute description of his condition, adds:

From the present condition we believe his statement to be honest.

There is no evidence of hernia. It would seem that there could be no question but that this soldier received a serious injury in the service and is now suffering from it. Admitting that the disability spoken of in the certificate as having existed four years prior to enlistment did actually exist at time of enlistment, though this is controverted by the evidence of several witnesses, your committee fail to see why the strong and convincing evidence of the incurrence of a serious disability in the service should be rejected because another disability existed at enlistment.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2521.

JOHN W. PAYTON.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7750.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7750) to place the name of John W. Payton on the pension-roll, submit the following report:

Claimant was corporal in Company I, Eighteenth Illinois Infantry Volunteers, having enlisted on March 10, 1865, and was discharged on December 16, 1865. He filed his claim for pension February 15, 1879, alleging disability from disease of kidneys, rheumatism, and sore eyes, and his claim was rejected on the ground that the alleged rheumatism and disease of kidneys and eyes are not accepted as results of claimant's military service.

A large number of witnesses testify before the special examiners of the Pension Office, and by affidavit, that claimant was a healthy, sound man prior to and at enlistment.

James M. Wade says that he had been with him for twelve months just before enlistment, and saw him when he enlisted. "We reckoned him one of the best men in that section of the country then; was in good health."

O. T. Ashlock testifies that he knew him at time of his enlistment:

He was considered one of the stoutest men we had in our county; never had any sickness to my knowledge.

G. W. Payton, his brother, testifies:

From the time he came back to near Beardstown, Ill., in 1863 or 1864, up to the time he enlisted we were together almost every day, and there was no indication of any disability of any kind ailing him; his eyes were sound and free from disease, he never complained of any disability or of any sore eyes prior to his enlistment. I was with him when he enlisted, and was examined by the surgeons before muster. The surgeons made him strip his clothes off and examined him, in my presence; he was pronounced sound, and was accepted; this was at Mount Sterling, Ill.

The report of the Surgeon-General, United States Army, shows that claimant entered Saint John's General Hospital, Little Rock, Ark., June 23, 1865, with rheumatism, and was returned to duty October 9, 1865.

George W. Turner testifies that he was ward master of Saint John's General Hospital, Little Rock, and that claimant was treated there for sore eyes, rheumatism, and kidney disease. He was treated by Surgeon Hill; Surgeon White treated him for sore eyes.

Charles G. Hill testifies that claimant, when discharged at Camp Butler—

Came direct to Allan, Randolph County, Missouri, where I met him and brought him to my house, near Huntsville, Randolph County, Missouri, in the latter part of December, 1865. He was in a very helpless condition with the rheumatism and sore eyes, so bad that he had to be carried from one room to another for some six weeks; in fact, he did not look like the same man of ten months before. * * * His complaints were rheumatism, kidney disease, and sore eyes. His eyes were in a painful condition, being badly inflamed, and at times he could scarcely see.

James M. Wade saw him in Randolph County, Missouri, in December, 1865, at which time he was afflicted with sore eyes and rheumatism, and also complained of his kidneys. He had to be carried about, being in a helpless condition.

Dr. Aaron Steinberger testifies that he treated him in 1868 and 1869 for chronic rheumatism, eye disease, and kidney disease.

Dr. A. D. Weills treated him from 1876 to 1878 for piles and weakness of the eyes, as did Dr. Comstock in 1870 for rheumatism.

The medical evidence seems unusually strong and complete. James M. Wade and C. G. Hill testify as to continuance of disability from 1865 to 1882. The examining board of surgeons at Kansas City and Saint Joseph, Mo., report him one-half disabled in 1880 and 1882. The evidence shows that claimant is now very poor, sick, and needy; that his wife is also an invalid, neither being able to do any work, and are supported wholly by the charity of the Grand Army of the Republic post, and the aid given by the generous people of Kansas City.

Your committee recommend the passage of the bill.

O

ɔNGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
'ession. } { No. 2522.

ANTHONY McROBERTSON.

1886.—Committed to the Committee of the Whole House and ordered to be printed.

RRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7327.]

ımıttee on Invalid Pensions, to whom was referred the bill (H. R. granting a pension to Anthony McRobertson, respectfully submit llowing report:

ant was a private in Company B, Seventy-second Regiment i Enrolled Militia, and claimed a pension for gunshot wound of t jaw-bone; also gunshot wound through the back, received in ɔ Stone County, Missouri. His claim was rejected because not ɔrovisions of pension laws.

Henry Sullivan, of Company K, Forty-sixth Missouri Volun- ho was in command of a squad of men from his own company imant's company, and Lieut. D. S. Pearce, of claimant's com- ɔth testify to the terrible manner in which claimant was shot.

Sullivan says he was within 20 steps of him when he was ıd says that claimant "was shot through the body; the ball the breast, passed through the body, and lodged in the skin in ɛ. The second shot struck him in the left jaw, knocked out his ı both sides, cutting his tongue nearly in two, and passed out ight cheek. The rebel who shot him was within 6 feet of Mc- on when he shot, the powder burning his face."

. L. Frazier testifies that he was called to attend claimant the ɩy of his injury, and found—

> was wounded by a ball passing through his left jaw, knocking out several l striking the inside of the right jaw, and passing downward out of reach, ɩuite an impediment in his speech; that afterwards several pieces of bone ɔ his jaw-bone, causing a stiffness in his jaws, operating against him in open- outh, and necessarily causing a permanent impediment in his speech. An- l entered his back, under the left shoulder-blade, passing through his chest, ng against the skin, from whence I cut said ball. His condition was cer- ery critical one, and one at the time that I thought was beyond recovery.

vidence shows that the men were under the command of Gen- ıborn, district commander.

committee are unable to see why the case was rejected, as the ɜ in the case was filed prior to July 4, 1874, and therefore re- orably, and recommend that the bill do pass.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2523.

LOUISA A. PHILLIPS.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6804.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6804) to increase the pension of Louisa A. Phillips, submit the following report :

Claimant asks that her pension be increased from that allowed the widow of a private soldier to that of a lieutenant's widow. The files in the case show that the disease which resulted in his death was contracted nearly two years before he received his commission. The rule of the Department has always been to rate the pension according to the rank held at the time the disease was contracted. Your committee fail to find any reason why this case should be made an exception to the general rule, and therefore report adversely and ask that the bill lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2524.

AUGUST SCHINDLER.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3947.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3947) granting a pension to August Schindler, submit the following report:

A similar bill (H. R. 802) for the benefit of the same party was reported favorably by this committee January 19, 1886, and has since become a law. Your committee therefore report adversely and ask that this bill lie on the table.

RESS, } HOUSE OF REPRESENTATIVES. { REPORT
on. } { No. 2525.

DENNIS SHINE.

MAY 21, 1886.—Laid on the table and ordered to be printed.

RILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6775.]

mittee on Invalid Pensions, to whom was referred the bill (H. R. granting a pension to Dennis Shine, submit the following report:

iles in this case show that it is still pending in the Pension Office, never been finally acted upon. The condition of claimant is a ible one, as he is poor and nearly blind, but he has failed to show e disability was incurred in the service and has offered no evi- to prove the existence of the disability from time of discharge, in 1874. Your committee therefore report adversely and ask that l lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2526.

MARY M. BLACK.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7322.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7322) granting a pension to Mary M. Black, submit the following report:

An application was filed in the Pension Office in this case alleging the death of the soldier, claimant's husband, July, 1885, of consumption contracted in the late war. No evidence in support of the allegation has been filed, and no action has been taken in the Department. The rule of this committee in widows' claims has always been to require evidence that the death of the soldier was directly or indirectly the result of his military service. The remedy in this case is still open in the Pension Office, and your committee therefore report adversely and ask that the bill lie on the table.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2526.

MARY M. BLACK.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7322.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7322) granting a pension to Mary M. Black, submit the following report:

An application was filed in the Pension Office in this case alleging the death of the soldier, claimant's husband, July, 1885, of consumption contracted in the late war. No evidence in support of the allegation has been filed, and no action has been taken in the Department. The rule of this committee in widows' claims has always been to require evidence that the death of the soldier was directly or indirectly the result of his military service. The remedy in this case is still open in the Pension Office, and your committee therefore report adversely and ask that the bill lie on the table.

C

H CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2527.

ALBERT H. EMERY.

21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

McKENNA, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 929.]

Committee on Claims, to whom was referred the bill (S. 929) for the elief of Albert H. Emery, have considered the same, and respectfully eport:

his bill has passed the Senate three times, once for $225,000 and ce as now reported for $200,000. The facts concerning this case are y set forth in the Senate Report No. 71, which accompanied this bill, l in which your committee fully concur.

he following is a summary of said report:

1) That Mr. Emery, the claimant, has invented and furnished to the ernment a machine suitable for testing the strength of structural erials, which, according to the judgment of its own officers and the ntific experts of the country, far exceeds in value the amount of the ropriation provided for in this bill.

2) The cost of the machine the first of January, 1880, was shown to upwards of $129,000.

hat toward the production of this wonderful machine the Govern- nt contributed $31,500 only—so that the machine was built prin- ally at the expense of Mr. Emery; and, in addition to this, he con- uted over five years of unremitting labor in designing and construct- the machine; and the use of his inventions therein which had cost several years of time and the expenditure of large sums of money, embraced in the above-mentioned amount expended in the construc- of the machine; and your committee are assured by the claimant t in connection with the development of these inventions and the struction of this machine he has incurred a large indebtedness, upon ch the accruing interest is over a thousand dollars a month, for ch it appears that the Government and the people are the only eficiaries.

produce this machine [says General Gillmore in his letter of February, 1882] ot only had to spend the long years which were occupied in its production, but many previous years of study and very expensive experimental works, before he d possibly produce such a machine as this proves to be.

3) That the real value of this invention to the claimant depends not e upon the construction of a machine for the use of the Govern- nt, but upon the exercise of his right under his patents from the

$125,000 and twice for $200,000. In the Forty-eighth Congress, af
full discussion of its provisions, and in this Congress without oppositi
and has been three times favorably reported in the House of Repres
atives, is an indorsement of its merits which ought not to be disrega
by this committee.

Your committee therefore report back the Senate bill and recomm
that the same do pass.

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Claims do not concur th the majority who have determined to report favorably Senate bill), for the relief of Albert H. Emery, donating to him $200,000 out of e public Treasury. It is difficult to see how either the Senate or the ajority of the Committee on Claims of this House have arrived at their nclusion, or upon what figures they based their estimate of $200,000. is case was before this committee of the Forty-eighth Congress, and ere, for the first time, seems to have received that careful considera- n which it deserved. It is doubted whether the conclusions of that mmittee were known to the Senate when the matter was pending ere, or to the majority of the committee, who report the Senate bill vorably.

The report of this committee of the Forty-eighth Congress was as lows (Report H. R. No. 484), viz:

That Congress, by an act approved March 3, 1873, appropriated $25,000 for improved chinery for testing the strength of iron and steel. Under this act the Ordnance partment made a contract with A. H. Emery, civil engineer, of New York, for a ting machine to be designed and constructed by him, and erected at the arsenal at atertown, Mass. The price Mr. Emery was to receive for such a machine was ,000. Under this contract the evidence shows that Mr. Emery proceeded with the igning and constructing of the machine. While the work was in progress Con- ss passed an act approved March 3, 1875, appropriating $50,000 for "experiments testing iron and steel, including the cost of any machine built for that purpose," d the previous appropriation of $25,000 for a testing machine was made available a further sum, for the purpose of building the machine. This act also provided at the President should appoint a Board, consisting of one engineer and one ord- nce officer of the Army, one line officer and one engineer of the Navy, and three ilian experts, for the purpose of making tests of the strength and value of all ds of iron and steel and other metals, and for the building of a *suitable machine* establishing such tests. The President appointed on this Board General Q. A. Gil- re, engineer, United States Army; Col. T. T. S. Laidley, of the Ordnance Bureau; mmander L. A. Beardslee, United States Navy; David Smith, chief engineer, United tes Navy; General William Sooy Smith, civilian, civil engineer; A. L. Holley, civ- n, civil engineer; R. H. Thurston, civilian, civil engineer.

Under this act the Board took the place of the Ordnance Office in the construction his machine and the testing of materials. Some additions to the machine were re- red by the Board, which increased its weight, and it was agreed that $6,500 therefor uld be added to the original contract price. The evidence presented to the committee ws that in the progress of the work of constructing a machine of the strenght and icacy required unforeseen difficulties arose, to overcome which new designs and ex- iments were required, but the work was unremittingly prosecuted until February 1879, when the machine was completed, and accepted by the Board.

Colonel Laidley, president of the Board above alluded to, says in regard to the con- nction of the machine, in a letter addressed to the President of the United States, ted February 10, 1879, two days after the machine had been accepted by the Board: "In the plans designed by Mr Emery he adopted new principles, in the working of which he met, as is always the case under such circumstances, with great and looked-for difficulty. In overcoming these difficulties Mr. Emery has spent more ney than he has received for the entire machine, to say nothing of his other ex- ses, time, labor, &c. He has throughout, in the performance of his part of the ntract, shown a greater desire to make the machine perfect in all its details than to nplete the work and obtain his money. The result of this unusual devotion is, t the United States has at this time a more perfect machine than was called for by terms of the contract."

The evidence before your committee further shows that this machine as finally com- ted, after six years of the application of incessant labor, and that rare inventive ll without which such a machine would be impossible, is a piece of mechanism so nplete in design and perfect in its construction as not only to give entire satisfac- n in its operation, but to elicit the highest commendation from the Board under

whose direction it was put into operation and from engineers and engineering
everywhere.

Colonel Laidley, in a report to the President, says:

"This machine combines the qualities of power and delicacy to an extent
unknown, and is equally adapted to the testing of the ultimate strength of
bar 30 feet in length and 5 inches in diameter, and of a piece of wire of the fi
drawn, 1 inch long, and is capable of giving the exact strain of rupture of ea
is more than can be said of any other machine now in existence; in fact, its
ities and the ease with which the greatest strains are applied are such as to p
the bounds of belief of those who have not witnessed its operation."

Mr. E. D. Leavitt, C. E., president of the American Society of Mechanical En
and member of other scientific associations, says, in referring to this machin

"I freely acknowledge that I have learned more about structural materials
the tests made at Watertown during the last two years than in twenty-five ye
vious experience."

Mr. A. L. Holley, C. E., a member of the Board, and the distinguished steel e
in a paper read before the Institute of Mining Engineers, at Baltimore, 187

"The excellence of the machine, in every respect, is more than satisfactory
accuracy is at first sight astonishing.

* * * * * *

"The movements of the weighing apparatus are absolutely without frictic
proof experiments were numerous, and the effects of recoil, after sudden ru
maximum loads were watched with great care, but without much anxiety,
the weighing parts affected are by no means delicate in structure, and their n
almost infinitely small. Among the tests were the following: A forged link
wrought iron, 5 inches in diameter between the eyes, was slowly strained in
and broke off short, with a loud report, at 723,000 pounds. The diameter befor
ing at the point of fracture was 5.04 inches; after breaking, 4 98 inches. In
see if the weighing parts had been disturbed by the recoil, which was obvio
the greatest recoil the machinery will ever suffer, a horse-hair was next tested.
7-1000ths of an inch in diameter; it stretched 30 per cent., and broke at on
One pound, in moving the indicator 1-100 of an inch moves the platform
which the load presses 1-42,000,000th of an inch.

* * * * * * *

"One word for Mr. Albert H. Emery: to his engineering talent, mechanical
and painstaking fidelity, to the patient devotion of all his energy, and, more
his money, we are indebted for a marvel of invention, of development, of w
ship, of efficiency."

A committee appointed by the American Academy of Arts and Sciences aw
Mr. Emery the grand medal of honor offered by the Massachusetts Mechanic
ation, for the invention "most conducive to human welfare," for this machin

Your committee finds from a careful examination of accounts and vouch
sented to it that the claimant actually paid out (which money he had to bo
the purpose, and on which he has since been paying interest) over and above
paid him by the Government, not counting interest, or his own time, or serv
five years, and after deducting the value of material on hand after the cons
of the machine, $38,161.62.

Your committee also finds that by a provision contained in the sundry c
approved June 20, 1878, this machine was opened to the use of every body o
tions which deprived the claimant, in a large measure, if not entirely, of the
benefit of his patents, inventions, and designs used in this machine, the pr
patents having been taken out prior to the date of the first contract with t
nance Department.

The provision referred to in the sundry civil bill is as follows:

"That the Secretary of War is hereby authorized to cause the machine built
ing iron and steel to be set up and applied to the testing of iron and steel for
sons who may desire to use it, upon the payment of a suitable fee for each te
table of fees to be approved by the Secretary of War, and to be so adjusted fro
to time as to defray the actual cost of the tests as near as may be; and, in o
make the final payment on contract for the construction of this machine, the sun
thousand two hundred and ninety-nine dollars and forty-eight cents of the unex
balance now remaining on the books of the Treasury of the appropriation f
purpose is hereby reappropriated and made available therefor."

The conclusion of a majority of your committee therefore is, that the claima
least entitled to be reimbursed in the sum actually paid out by him for and
construction of the machine, to wit, $38,161.62, and a reasonable sum for va
services, to wit, $25,000, and as compensation for opening the machine to
use, to wit, $36,838.38, which, altogether, your committee places at $100,000.

Favorable reports were made by the Committee on Claims in the House
Forty-sixth and Forty-seventh Congresses, recommending the allowance of $20

and a bill passed the Senate of the Forty-seventh Congress allowing $225,000, but your committee reduces the sum to $100,000, and as amended recommend the passage of the bill.

Mr. DOWD, from the Committee on Claims, submitted the following

VIEWS OF THE MINORITY:

The claimant contracted to construct for the Government a testing machine of a given capacity at a fixed price, to wit, $25,000. As the work progressed he found he could make a much more valuable machine by an additional outlay. Without obtaining any assurance from the Government that the additional expense would be assumed and the additional labor paid for, he proceeded to change the original design and construct a much more expensive and valuable machine.

There is some difference of opinion among those who have critically examined the testimony on this point as to whether the representatives of the Government even assented to or approved, in advance, the changes and modifications above referred to.

In constructing the machine so modified and improved the contractor made divers patterns, and, by experimenting, discovered sundry devices and inventions of great value, for which he took out patents in his own name, which would be indispensable in building other like machines, should others be wanted by the Government in other parts of the country. The Government has paid to Mr. Emery, in addition to the contract price, and on account of the additional cost and value of the machine, $6,500, and it was proposed in this committee to recommend the payment to the contractor of all his outlays for expenses, and reasonable compensation for his services in perfecting the machine and invention, and taking out the patents, if he would assign these patents to the Government. This he declined to do, alleging that he had already assigned them to a company in which he himself was largely interested. Mr. Emery admits that as the Government has paid all and more than it contracted to pay his claim does not rest upon any legal right, and the undersigned fail to perceive any basis for it in "equity and good conscience."

The minutes of the committee on the 25th of February, 1884, when this report was agreed to, show as follows, viz:

Mr. Ray, of New York, moved that the report of the subcommittee on the House bill No. 132, for the relief of Albert H. Emery, be amended by striking out the amount $100,000 and inserting instead $200,000.

Mr. Brown moved to amend the motion offered by Mr. Ray, of New York, by striking out the amount $200,000 and insert instead $67,000; which motion was rejected by a vote of 6 yeas and 8 nays.

The amendment offered by Mr. Ray, of New York, was rejected.

Mr. Warner moved to strike out the amount, $100,000, in the report of the subcommittee and insert instead $87,000; which was rejected by a vote of 7 ayes and 8 nays.

The report of the subcommittee was then adopted.

It thus appears that very grave doubt existed in the minds of the Committee on Claims of the Forty-eighth Congress as to the propriety of allowing this claim for only $100,000, just one-half of the amount donated by the Senate bill 929. This amount they arrived at after a very careful investigation and accurate calculation.

They arrive at the sum of $100,000 as follows:

To reimburse the sum actually paid out by Emery for and in the construction of the machine, over and above the amount of $31,500 already paid him by the Government	$38,161 62
Add a sum for services during construction, &c., at $5,000 per annum	25,000 00
Compensation for *opening machine to public use*, to wit	36,838 38
Total	100,000 00
Now add to this the sum already paid to Emery, to wit	31,500 00
And we have the sum of	131,500 00

to be paid by the Government for a machine which was to be constructed originally for the sum of $25,000, and for which the additional sum of $5,600 was agreed to be paid.

cur with the majority of the Committee on Claims of the Forty-eig Congress in recommending that the sum of $36,838.38 be paid to Emery, because the people are permitted the free use of their machine.

For these reasons the undersigned recommend that the said Se bill 929 be amended by striking out the words "two hundred thous dollars" and inserting the words "sixty-three thousand one hund and sixty-one dollars and sixty-two cents." And with this amendm we recommend that said bill do pass.

CONNALLY F. TRIG(
J. R. NEAL.
W. M. SPRINGER.
W. H. SOWDEN.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2528.

HENRY DOMEYER.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LOUTTIT, from the Committee on Invalid Pensions, submitted the following

ADVERSE REPORT:

[To accompany bill S. 1520.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1520) granting a pension to Henry Domeyer, have had the same under consideration, and beg leave to submit the following report:

In this case the claimant has received at the hands of the Pension Bureau, since the introduction of said bill, a favorable adjudication and allowance upon his demand; and legislation thereon is no longer necessary to secure to him the desired relief.

Your committee, therefore, in view of these facts, recommend that the bill above named do not pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2529.

HENRY H. STUTSMAN.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LOUTTIT, from the Committee on Invalid Pensions, submitted the following

ADVERSE REPORT:

[To accompany bill S. 1224.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1224) for the relief of Henry H. Stutsman, have had the same under consideration, and make the following report:

A bill similar in terms and purpose (H. R. 196) was before this committee and by it adversely reported to the House on January 19, 1886, and recommendation that "bill do not pass" concurred in by that body.

The record discloses no additional facts or new evidence, and we, your committee, therefore, recommend that its previous action be adhered to and that the bill do not pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2530.

MARY SPRAGUE.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. PINDAR, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5715.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5715) granting a pension to Mary Sprague, submit the following report:

The claimant, Mrs. Mary Sprague, volunteered as a nurse and was accepted as such May 22, 1861, and was in continuous service until December, 1863. That while serving at the Mansion House Hospital attending to her duties, her health became greatly impaired through a contagious fever there contracted, which disabled her for duty and from the effects of which she is still suffering. That she is now unable to perform any kind of labor or household duty, never having recovered her health. She now asks that, being unable longer to labor, she be granted a pension of $25 per month; in support of such claim she presents the affidavit of Dr. D. W. Bliss, her own verified petition, and letters from J. B. Porter, surgeon, U. S. A., and others, which are hereto attached and made part of this report.

The committee believe that the claimant is entitled to a pension, and they recommend that the bill be amended by striking out the words "twenty-five," in line 7, and inserting in lieu thereof "twelve," and as amended that the same do pass.

To the United States Senate and House of Representatives in Congress assembled:

Your petitioner, Mrs. Mary Sprague, formerly Mary Simmons, of the city of Brooklyn, State of New York, hereby submits her supplementary and amended petition, asking that the Secretary of the Interior be authorized and directed to place her name on the pension-roll as a volunteer nurse in the late war, and pay her the sum of $25 per month pension as a compensation for her services and loss of health while serving as an Army nurse.

Your petitioner respectfully represents that she was the second person who volunteered, and was accepted as a volunteer nurse by the "Ladies Central Association of Relief," of the city of New York, May 22, 1861, and remained in training at Bellevue Hospital, in the city of New York, until sent to the front. That she was sent to Washington Street Hospital, Alexandria, Va., July 23, 1861, and there attended to her arduous duties as nurse under Surgeon Lawrence Sheldon, U. S. A., attending day and night to the sick and wounded soldiers, until transferred, about December 1, 1861, to the Mansion House Hospital, Alexandria, Va., J. B. Porter U. S. A., surgeon-in-charge, and later Jno. E. Summers, U. S. A., surgeon-in-charge. That while so employed at the Washington Street Hospital she received no compensation for her services, but was paid, under the act of Congress establishing the pay of nurses, at the rate of $12 per

month while she remained at the Mansion House Hospital, expending the larger portion of such compensation for the benefit of the sick and wounded. That while serving at the Mansion House Hospital attending to her duties, her health became greatly impaired through a contagious fever there contracted, which disabled her for duty and from the effects of which she is still suffering. When again strong enough to perform duty, she resumed it at Mansion House Hospital, where she remained until November, 1862, when she entered Armory Square Hospital, Washington, D. C., D. W. Bliss, U. S. A., surgeon-in-charge, remaining at said hospital until about September, 1863, but for about two months of this time was assigned to Island Hall Hospital, Washington, D. C., William Hayes, U. S. A., surgeon in-charge. That while so engaged at Armory Square Hospital she received no pay, but while serving for such period of about two months at Island Hall Hospital was paid at the rate of $12 per month. That while performing duty at Armory Square Hospital, the Sanitary Relief Association earnestly sought her experienced services and she entered the Sanitary Relief Hospital on North Capitol street, Washington, D. C., where she remained until her health again became so much injured and broken down by her constant labor that she was compelled to retire from the service with a shattered constitution, and has never recovered. That while so engaged at the Sanitary Relief Hospital she received no compensation from the Government. That she was in continuous service from May, 1861, to December, 1863, and during the whole time contributed largely of her scanty means for purchasing such delicacies for the sick and wounded as the Government did not furnish, and distributed to Confederate and Union soldiers alike hundreds of dollars worth of all kinds of necessaries and delicacies and special articles needed for their immediate relief, sent by her friends.

In confirmation of these facts she calls attention to the accompanying letters and testimonials.

And as your petitioner is now unable to perform any kind of labor or household duty, never having recovered her health, she earnestly prays that her petition may be favorably considered, that she may have something to assist her in her declining years and health.

And your petitioner will ever pray.

MARY SPRAGUE,
42 I Street, N. E., Washington, D. C.

DISTRICT OF COLUMBIA, *ss:*

Mary Sprague, being first duly sworn, on oath deposes and says that she has read the foregoing petition of three pages by her signed, and that the facts therein stated are true; that she is the identical person who served as Army nurse as Mary Simmons, and that her name now is Mary Sprague.

MARY SPRAGUE.

Subscribed and sworn to before me by the said Mary Sprague this 6th day of May, A. D. 1886.

[SEAL.]

R. J. MEIGS,
Clerk Supreme Court D. C.,
By L. P. WILLIAMS,
Assistant Clerk.

WASHINGTON, D. C., *May* 13, 1886.

I certify that Mrs. Mary Sprague was a volunteer nurse in the hospital under my charge, Armory Square, for a period of about six months. I was also cognizant of her services as nurse in other hospitals. Mrs. Sprague was faithful, efficient, and every way reliable. I have been personally acquainted with Mrs. Sprague since the war, and have frequently given her professional attention, and I am of the opinion that her continued impaired health since the war is largely due to her service as nurse.

D. W. BLISS, M. D.,
Bvt. Col., late Surg., U. S. V.

Sworn to and subscribed before me this 14th day of May, A. D. 1886, and I certify that I have no interest in this matter.

[SEAL.]

A. S. TAYLOR,
Notary Public.

[No. 20. Volunteer nurse for the Army hospitals.]

The bearer, Mrs. Mary Symmons, having been selected and approved by the registration committee of the Ladies' Central Association of Relief, is hereby recommended

to the Hospital Boards Committee, and when certified by the secretaries of both committees she will be admitted to the hospitals and the course of instruction in accordance with the regulations for the preparation of nurses.

C. K. GRIFFIN,
Secretary of Ladies' Committee.

Will Mrs. Symmons please come on Monday, between 2 and 4, to meet the ladies and have her name registered? She has been accepted.

COOPER INSTITUTE, *Saturday.*

GENERAL HOSPITAL,
Alexandria, Va., December 22, 1861.

To whom it may concern:

The bearer, Mrs. Mary Simmons, is a nurse in this general hospital, and has been on duty since July, 1861. She has leave of absence for a short time and intends to return to duty. Wishes to go to Philadelphia. She is favorably known here, and is recommended to the authorities.

J. B. PORTER, U. S. A.,
Surgeon-in-Charge.

Given at the general hospital as above dated.

GENERAL HOSPITAL,
Alexandria, Va., October 27, 1862.

Mrs. Mary Simmons has been on duty in this department as nurse since the 23d of July, 1861, and in hospital under my charge since the 5th of April, 1862.

She has always borne a good character in her capacity and a good and devoted nurse.

JNO. E. SUMMERS,
Surgeon, U. S. A., in Charge.

GENERAL HOSPITAL,
Alexandria, Va., May 4, 1862.

Mrs. Mary Simmons has been nurse of the wards in which I have had charge during the last three months. It affords me much pleasure to state that Mrs. Simmons has proved herself a kind and thorough nurse, attentive to all under her care. I also know that she is beloved by all the soldiers in her wards.

MITCHELL H. PICOT,
Acting Assistant Surgeon, U. S. A.

UNITED STATES GENERAL HOSPITAL,
Island Hall, January 1, 1863.

This is to certify that Mary Sprague has been connected with this hospital from its commencement in taking charge of the sick and wounded, and that she has been kind to her patients and faithful in the discharge of her duties, and was highly commended by Dr William Hayes, the surgeon in charge, for the able manner in which she performed her various duties. She remained in the hospital until its close.

GEORGE W. LITHGOW,
Hospital Steward, U. S. A.

WASHINGTON, D. C., *February* 8, 1886.

To whom it may concern:

I certify that Mrs. Mary Sprague was on duty as nurse in Armory General Hospital from November 24, 1862, until about September, 1863. Mrs. Sprague was a faithful and efficient nurse, prompt in the performance of her duties, and every way reliable.

D. W. BLISS, M. D.,
Bvt. Col., late Surg., U. S. V.

1321 F STREET,
Washington, D. C., January 27, 1886.

Having been informed that Mrs. Mary Sprague (formerly Mrs. Mary Simmons) is an applicant for pension, I cordially recommend her case to the favorable action of Congress.

Mrs. Sprague I knew well during the years 1862 and 1863. She was engaged in nursing at the Mansion House General Hospital, Alexandria, Va., and was a most faithful, competent, and efficient nurse, and I trust she will receive the pension she applies for.

ROBERT REYBURN, M. D.,
Formerly Surgeon and Breret Lieutenant-Colonel, U. S. Volunteers.

[National Maimed Union Soldiers and Sailors' League.]

WASHINGTON, D. C., *January* 26, 1886.

To all whom it may concern:

This is to certify that I have known Mrs. Mary Simmons, now Mrs. Mary Sprague, since April 15, 1862, when I was placed under her immediate care in the "surgical ward," Mansion House Hospital, Alexandria, Va.

The surgical ward was the ward in which the severest wounded were placed. I remained under her care until October, 1862, some six months, therefore I am competent and do cheerfully testify to her sterling, zealous, vigilant, intelligent, and faithful qualities as a hospital nurse. She was ever prompt at any hour, day or night, much to the detriment of her health and her purse, to relieve the sufferings and wants of any within her charge. She never discriminated between the soldiers of either side, for she was a true, pure, motherly woman, and did more real good than all the doctors in the building. She saved many lives, and gave those that died as good cheer and spiritual comfort as it was possible in such a place, away from their friends.

Her judgment was so superior that she was often called in extremely dangerous cases all over the hospital.

I have not the shadow of a doubt but that her health, owing to said service, was permanently wrecked, and that if any woman is entitled none is more deserving than she.

By me too much cannot be said in her praise for her good qualities as a lady and a nurse, because I am satisfied that it is due to her efforts that I am enabled to sign myself,

Very respectfully,

BEN. F. WORRELL,
611 *Twelfth Street N. W.*,
Company A, First New Jersey Volunteer Infantry.

WASHINGTON, D. C., *January* 24, 1886.

As Mrs. Mary Sprague (*née* Simmons), of Brooklyn, is about to make application for a pension, I not only feel it a duty but a pleasure to add my testimony in her behalf. There is probably no one who knows of her services both in field and hospital better than I, more especially in hospital.

In 1861, being prostrated by dangerous illness, I was sent to Mansion House Hospital and placed under her immediate care. I was personally cognizant of her work, and I can testify that, both to the Union and Confederate soldiers under her care, she was an ever faithful nurse, distributing equally, without partiality, the many necessaries for their comfort, many times from her own scanty means.

I feel that it was through her care and attention that my life was spared.

Words are inadequate to express the merits of this really good woman, and her failing health, caused by sleepless nights and arduous duties, have left their marks on her constitution, and in her declining years have totally disabled her.

Very respectfully,

W. B. POMEROY,
Late First Lieutenant Company G, Fifth Michigan Infantry.

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ɔONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2531.

HENRY ROSCOE.

, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

NDAR, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R 6523.]

ɔmmittee on Invalid Pensions, to whom was referred the bill (H. R.) granting a pension to Henry Roscoe, submit the following report:

mant is now receiving a pension of $17 per month for double in- hernia, received in service in the late war as first lieutenant of ıny C, Fourth Regiment New York Volunteers. He filed appli- for increase, which was rejected upon the ground that he is now ng the full amount of pension to which he is entitled for double

examination on his application for increase to $24 per month dis- the following facts:

nd on right side an oblique inguinal hernia, descending into the scrotum, about of a man's fist. It is easily reduced while he is standing, and the ring is so nd patulous that it is evidently extremely difficult if not impossible to keep nia up with a truss. On left side we find a very small inguinal hernia, fill- abdominal ring and giving an impulse on coughing. This hernia pro- ery slightly through the ring and evidently could be easily retained by a well- ıruss.

—We find seven small external, around anus, and, on straining, three inter- ɜ are brought into view, each about the size of a small strawberry, all some- flamed. Tongue not coated, rather pale skin, anemic in look, no enlargement or spleen.

hea.—No evidence of diarrhea, except his statement. If the claimant was a we should rate him twelve-eighteenths, third grade, for double hernia. We ılso rate his piles at three-fourths total, if that disability appeared on his ır examination.

George H. Marmion testifies as follows:

ɔitizen of Elizabeth County, Virginia; aged forty-three years [and well known reputable physician, of good standing, and entitled to credit]; am a physi- nineteen years' standing; my post-office is Hampton, Va. I have carefully ex- Henry Roscoe in relation to his disability, and find him suffering under the fol- disabilities: Double inguinal hernia, reducible, but cannot be retained by a ıernial tumor as large as a cocoa-nut at present; he suffers also with chronic ı, and states he has suffered thus since 1863. There is a large mass of hemor- ırotruding from the anus on all sides of the sphincter, each of which is as large mond, and the orifice surrounded with——

Roscoe states that he had a paralytic stroke December, 1880, ɜt use of right arm and left leg and right side of the face, which only partially recovered.

constant attacks of diarrhea are clearly traceable to the hernia

and keep him in a condition incapacitating him entirely from the performance of manual labor. The piles and chronic diarrhea can be clearly traced as results of the causes producing the original rupture.

The condition of this soldier is such, in the opinion of your committee, as to entitle him to the relief sought, and we therefore recommend that the bill be amended by striking out the words "to place the name," in line 4, and insert "to increase the pension," and strike out the words "on the pension-roll," in line 6, and that the bill as amended do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2532.

GEORGE G. EARLY.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3379.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3397) granting a pension to George G. Early, submit the following report:

This soldier enlisted June 15, 1861, as a sergeant, Company I, Third Ohio Volunteers, was taken prisoner at Murfeesboro', Tenn., December 31, 1862, and was paroled January 27, 1863, and discharged June 21, 1864, He re-enlisted as a private in Company G, One hundred and eighty-seventh Ohio Volunteers, February 14, 1865, and was mustered out January 20, 1866, having served more than four years. He filed application for pension June 21, 1882, alleging disease of the heart, stomach, liver, and kindeys, or general debility.

His application was rejected for the want of proof showing the existence of his disability while in the service.

He has proven his four years or more of arduous service, which certainly ought to be conclusive proof of prior soundness; and he has furnished medical testimony of his general debilitated condition in 1866, immediately after his discharge, and from that time to present date. The following affidavit of Dr. J. R. Gouell, of Newton, Iowa, gives a full history of the case, and is fully corroborated by other testimony:

I have known George G. Early intimately, socially and professionally, since the spring of 1869. I have seen him, I believe, every week and often every day for months together during the whole of that time. I began the treatment of his case in the spring of 1869, and he has been constantly under my care ever since. My diagnosis of his case then was obscure liver and kidney disease. During the fall of 1869 there occurred irregularity of the heart's action, which was then believed to be functional and to depend upon the liver and kidneys. As before stated, he has been constantly under my care professionally since 1869 for disease of the liver, kidney, and heart, which defied treatment, for he has slowly but steadily grown worse up to the present time. In view of the character of the disease at my first examination in 1869, and its persistence up to this time, and also as he had at one time (1862) in the army an acute attack of kidney disease, attended with delirium for several days, I have no hesitancy in saying that the cause of his present disability was his army life. He was a brave soldier for four years and a half; was never off duty except a few days following acute attack referred to, from which he supposed he had recovered, but subsequent developments clearly point to the fact that the disease then contracted from exposure to cold, he being barefooted and with one ragged blanket on a forced march in January, only remained in abeyance and silently invaded other organs until his present physical wreck is the result. He has done no work for several years, he being not able to because of disease of his liver, kidneys, and heart, and there is no probability of a recovery. He is poor and has a large family. He was a true soldier, and is now an honorable man.

[illegible] Post, Grand Army of the Republic, of Newton, Iowa, in a memorial to Congress, also set forth the same facts, and pray that he be pensioned.

That this man has no hospital record ought rather to be placed to his credit than set down against him. The fact of his four and a half years of faithful and honorable service, his capture, his imprisonment, his continued disability since, and his present disabled condition and consequent poverty, in the judgment of your committee, demand recognition and recompense by the Government. The passage of the bill is therefore recommended.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2533.

MARY M. GILLHAM.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8374.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8374) granting a pension to Mrs. Mary M. Gillham, have considered the same and report:

Mrs. Gillham is the widow of James G. Gillham, late a private in Company I, Seventeenth Iowa Volunteers, who died April 20, 1885.

At the time of soldier's death he was drawing a pension of $8 for right inguinal hernia, from which he had been a constant sufferer since his discharge.

Mrs. Gillham filed application for pension June 16, 1885, which was rejected for the reason "that cause of soldier's death not shown to have resulted from his service." This rejection is based on the certificate of Dr. R. A. Patchin, who was his attending physician in his last illness, and who certifies that the immediate cause of death was "cirhosis of the liver."

Mrs. Louisa Wallace, a professional nurse, testifies:

She was present with James G. Gillham in his last sickness, and waited on him for several days; that he was suffering with hernia of a very extraordinary character, which was attended with cramps, and his whole system was more or less affected, thereby being reduced to a mere skeleton, and during the last week of his sickness was complicated with liver trouble, the combined effects of which produced his death. The physician treated him for liver trouble; his whole right side was so tender he could not bear the weight of his clothing.

Dr. J. F. Kennedy, secretary of the State board of health of Iowa, says:

When I was a member of the pension examining board of this city, Mr. Gillham, husband of Mary M. Gillham, came before me two or three times relative to his physical condition, and I tried to procure him a Government trust, which was refused, as he was not a pensioner, but only an applicant. I believe his death was indirectly attributable to his hernia.

It is in evidence that said Gillham was confined to his room and bed much of the time during the last year of his life, suffering great pain from his rupture, and it would seem to be a reasonable presumption that this disability was the indirect cause of his death. At any rate, he received an injury while serving his country that disabled him and made him a sufferer during all the remainder of his life, prevented him from obtaining a competence for his family, and his wife is now left alone and destitute. The Government should in part compensate her for this loss.

Your committee believe her justly entitled to a pension, and therefore recommend that the bill do pass.

O

CONGRESS, t Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2534.

MRS. ANNA S. WEBB.

21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

ONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8142.]

Committee on Invalid Pensions, to whom was referred House bill 8142, having examined the same, beg leave to report:

s. Webb was a nurse during the late war, whose services are fully ted by certificates and orders of medical directors, military com- ers, and surgeons, filed with your committee, but which are more y set forth in the following letter from the famous nurse, Mrs. M. ckerdyke, and which is fully corroborated by the certificates and s mentioned:

Anna Webb is well known to me. She came down to Savannah, Tenn., in 1862, shortly after the battle of Pittsburg Landing, with five other nurses, the Chicago sanitary commission, and was assigned to duty at the Academy tal, Dr. Griswold being in charge, where she gave entire satisfaction, until July, she was ordered to Farmington by the medical director, Major Stearner; re- d there some months. Nurses were required at Jacksonville, Tenn., where a er of nurses were sent, Mrs. Webb among them. Here she remained nine s, Major Kitts having charge of the hospital. In June, 1863, she was ordered nphis, and assigned to duty in the small-pox hospital by the chief of hospital, Irwin, where she remained a little over one year, doing the diet cooking for the al, where she was highly respected by officers and patients, and accomplished l work. As the hospital was closed out she was assigned to the Adams Hos- where she had charge of the diet cooking, and remained there until the close war. Her work was very arduous, and she was very much broken down at ose of the war. She is now sixty-four years of age and very feeble, with no look to for support; a pension is her just due.

ur committee believe her services, her broken health therein, and resent advanced age and disability entitle her to a liberal recog- n, and therefore recommend the passage of the bill, after striking n line 7 the words "twenty-five" and inserting "twelve."

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2535.

JENNETTE DOW.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3363.]

The Committee on Invalid Pensions, to whom was referred House bill 3363, *having given the same due consideration, report:*

That Mrs. Jennette Dow is the widow of Charles E. Dow, late a sergeant of Company K, Eighty-ninth Regiment Illinois Volunteers, who was pensioned for gunshot wound in left knee, received at the battle of Chickamauga, and who died at Boonesborough, Iowa, December 16, 1882. Mrs. Dow applied for pension April 18, 1883, but her claim was rejected on the ground that "death resulted from apoplexy, not the result of gunshot wound."

Dr. R. M. Huntington, the physician who attended claimant in his last illness, testifies:

I was in attendance at the death of Mr. Charles E. Dow, late sergeant Company K, Eighty-ninth Illinois Infantry, who died at Boonesborough, Boone County, Iowa, on the 16th day of December, 1882, and giving the cause of death, state it as follows: Hemiplegia (apoplexy), and death in twelve hours. In thus giving the cause, or causes of death, a statement of facts as bearing on the case should be made. Mr. Dow was wounded in the popliteal space, severing the artery and ligaments of the left leg, from the effects of which wound he never fully recovered. So far as the mobility or muscular co-ordination and nervous sensibility were concerned, these conditions seemingly for a time better, were subject to frequent relapse, and extended in time to the hand and arm of the corresponding side. Mr. Dow's calling in life for years after leaving the service was that of railroad conductor, the duties of which were at all times quite seriously interfered with, because of the want of strength in the afflicted side. At the time of death, Mr. Dow had with difficulty reached his home in a dazed or semiconscious condition, and while receiving the ministrations and assistance of his wife, suddenly fell to the floor, severely bruising and lacerating the right temple and supraorbital arch of the right side. Complete unconsciousness ensued, accompanied with contracted pupil, slow stertorous breathing, dark face, flapping of the lips, slow and labored pulse, in which condition, without any change for the better, he continued for about twelve hours, when death closed the scene. From the facts and history of the case as known to me, I regard it as a case of hemiplegia, the outgrowth primarily of nerve injury, aggravated by the life's calling and eventuating in apoplexy, as stated.

In the examination upon which pension was granted to soldier, the examining surgeon describes his condition as follows:

Gunshot wound of the left thigh, ball entered just above and at center of the external condyle of the femur, out at upper edge of popliteal space, resulting in impaired use of the leg from paralysis of extensor muscles of the foot and impaired sensation in and over second, third, fourth, and fifth toes, and inability to straighten the leg when knee is bent after ordinary exercise.

Orson T. Waltermont, of Sac City, Iowa, testifies:

I was well and personally acquainted with Charles E. Dow during his lifetime from 1862 till his death; were both members of the same company. I was with him at the time he received his wound; that from the time he received said wound till his death he was greatly troubled with his left leg and arm; said Charles Dow and I railroaded together for fifteen years; that I know from personal observation that his arm would be worse at the time his leg troubled him most, and at one particular time, at Council Bluffs, Iowa, when said Dow was being unusually troubled with said wound in said left leg, he told me he was afraid that his disease would go to his heart.

Cheney Eddy, G. S. Rhoades, and Charles Schoonover all testify to substantially same fact as to the effect of wound and the loss of power in left side and arm. So, also, does Dr. P. S. Moses, of Boone, Iowa, and adds, "In my opinion his death was caused by paralysis."

His wife, Mrs. Jennette Dow, testifies that the wound troubled him continuously, and caused him to become emaciated and weak, and when taken with his last illness his wound had been troubling him very much, and he had less ability to use his left arm and leg.

Hon. A. J. Holmes, a member of this House, certifies:

I was personally acquainted with Charles E. Dow during a period of more than ten years that he resided in the city of my residence. While I cannot speak from personal knowledge of the cause of his death, yet it was well known among his neighbors and friends that he suffered almost continuously from a severe wound received in the late war. Physically large and of full habit, he steadily became emaciated, and before his death presented a very wan and haggard appearance.

From a careful comparison of the report of examining surgeon, upon which the pension was granted, with the report made by the physician in attendance at death, and all the corroborative testimony, it seems very clear to your committee that the soldier's wound was the cause of the partial paralysis of his left side, and may very reasonably be presumed to have finally caused his death. There appears to be but little doubt in the case, and the Government can afford to give the widow of a wounded soldier the benefit of that doubt.

The passage of the bill is therefore recommended, after striking out of the fifth line the words "at the rate of eight dollars per month," and inserting the words "subject to the provisions and limitations of the pension laws."

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2536.

ABRAHAM POINTS.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8556.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8556) granting a pension to Abraham Points, have considered the same, and beg to report:

This soldier was a private in Company C, Forty-second Missouri Volunteers. He filed his declaration for pension December 2, 1878, alleging that at Tullahoma, Tenn., in February 1865, some comrades caught hold of him in a playful way and threw him down, injuring his left arm so badly that the elbow joint became anchylosed, and has so remained to this date. He also alleges that at Shelbyville, Tenn., in the fall of 1864, his eyes became sore, and so continued until the left eye is nearly blind and the right very much affected. His claim was rejected by the Pension Office, "on the ground that the disabilities for which pension is claimed existed before enlistment."

The rejection seems to have been based upon the result of a special examination, in which it was elicited that claimant, when a child, had his arm dislocated, and at one time had sore eyes; but it is also very clearly proven that this early injury to arm never disabled him from the performance of all kinds of hard manual labor, and that the elbow was not stiff when he enlisted nor during his service, until the accident alleged, his officers swearing that he always drilled and could handle his musket as well as any one up to the time of the injury to his arm.

The soundness of his eyes at enlistment is proven by affidavits of his officers and of the physician who examined him at enlistment.

Capt. Peter Thompson and Lieut. N. H. Wycoff, both of soldier's company, testify to the fact of the playful scuffle in which claimant was injured; that the soldiers were not excited nor angry, nor under the influence of liquor. They also both testify to incurrence of sore eyes and their continuance until discharge.

The continuance to the present date of both disabilities is well au-

thenticated by neighbors and by physicians. The latest medical examination gives the following:

"Granular conjunctivitis lids of both eyes, and considerable opacity of both corneæ. At times vision so obscured that cannot see to perform manual labor; disability one-half. Has anchylosis of left elbow joint; limb semi-flexed; pronation and supination lost; no pain in part; one-fourth.

A. H. WRAY,
Examining Surgeon.

Your committee find that this soldier was disabled in the service, and from no fault of his; the disabilities have been continuous and still exist. They believe he should be pensioned, and therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2537.

A. CROUNSE.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8621.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8621) increasing the pension of A. Crounse, report:

This soldier is now drawing a pension of $24 per month for loss of left forearm, and claims an increase for chronic diarrhea; but the medical examinations do not discover any additional disability, and as he is now drawing the highest rate for disability occasioned by loss of forearm, your committee therefore report the bill adversely, and recommend that it lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2538.

MRS. MARGARET R. CLUNE.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8144.]

The Committee on Invalid Pensions, to whom was referred House bill 8144, *beg leave to report:*

This bill proposes to place the name of Mrs. Margaret R. Clune on the pension-roll as the widow of W. H. Clune, late lieutenant-colonel of the Sixth Iowa Infantry, who died of yellow fever in Galveston, Tex., August 28, 1867.

It is proven that said Lieutenant-Colonel Clune was slightly wounded at Griswoldville, Ga., in November, 1864, but your committee, from the evidence on file, fail to trace the cause of his death to this wound or to his military service in any way; therefore report back the bill and ask that it lie on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2539.

AARON P. GRAY.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8105.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8105) granting a pension to Aaron P. Gray, beg leave to report:

That no application for pension has been made in this case to the Pension Office, and in the absence of sufficient proof that the claimant is without relief there, your committee are unwilling to recommend special relief by Congress. They therefore report the bill back to the House, and ask that it be laid on the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2540.

MARY A. VAN HORN.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8550.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8550) for the relief of Mary A. Van Horn, have carefully considered the same, and beg leave to report:

Mary A. Van Horn is the widow of John Van Horn, late of Company F, First Missouri Cavalry, and as such widow applied for a pension, which application was rejected on the ground that cause of soldier's death is in no way shown to have been the result of disability contracted during service. Soldier was at the time of his death drawing a pension for injury to left ankle, but died of consumption.

Your committee can find no sufficient proof to connect cause of death with his military service, and therefore report back the bill with the recommendation that it lie upon the table.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2541.

CHARLOTTE C. PARSONS.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8713.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8713) granting a pension to Charlotte C. Parsons, report:

Charlotte C. Parsons is the widow of Lieut. George M. Parsons, late of the Sixty-seventh Ohio Volunteer Infantry, who died March 17, 1867, from inflammation of the bowels or inflammation of the liver. The widow's application for pension was "rejected on the ground that fatal disease was contracted since discharge."

Your committee cannot find in the testimony filed in the case any sufficient proof that cause of death was the result of his military service; therefore report adversely, and recommend that the bill lie on the table.

O

ITH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2542.

WILLIAM N. ABBOTT.

MAY 21, 1886.—Laid on the table and ordered to be printed.

r. CONGER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8622.]

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 8622) increasing the pension of William N. Abbott, report:

That the claimant has an application for increase of pension still nding before the Pension Office; and since it has been the uniform actice of this committee to refuse relief until after a final determinan by the Pension Department, therefore the bill is returned to the ouse with adverse report, and a recommendation that it lie on the ble.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2543.

WARREN L. RICE.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. O'HARA, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7517.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7517) for the relief of Warren L. Rice, have had the same under consideration, and submit the following report:

Warren L. Rice enlisted as a private in Company F, Sixth Michigan Heavy Artillery, February 5, 1864, and was discharged August 20, 1865; bases his claim for a pension on account of rheumatism contracted while in the service of the United States and in the line of duty. Claim rejected because there is no record evidence showing condition in the service, and testimony filed is not considered sufficient to show that the alleged rheumatism was contracted in service. The record shows that soldier was absent sick in hospital at New Orleans while in the service; regimental hospital records not on file. Records of Surgeon-General's Office show soldier sick with diphtheria at post hospital.

Dr. Calvin F. Ashley, of Ypsilanti, Mich., testifies that he has known soldier since 1854; he was a hearty, healthy man prior to and at the time of his enlistment, free from rheumatism, sciatica, or any kindred disease.

Louis Merrill, private and acting sergeant of claimant's company, testifies that soldier while on guard duty was taken sick and fell insensible; was ordered to the hospital at New Orleans in consequence thereof. Affiant is corroborated in this testimony by Lorenzo Hoight, first sergeant of company.

Capt. Alonzo Shumway, of the same company, states:

> That *en route* from Fort Gaines, Ala., to New Orleans, La., claimant was prostrated with severe rheumatism. He continued to suffer for some time while in camp at Carrollton. He was not put on sick list. He had severe pain in back and hips, which I believe was caused by rheumatism; his face was much swollen, caused by neuralgia.

Dr. Ashley further testifies that soldier came home a physical wreck, and that he treated him from September, 1865, for rheumatism, and that his liver was exceedingly torpid, and he continued to treat him during the year 1866, during which time he was totally unable to perform manual labor.

Dr. Rosman, who treated claimant, is dead, but his widow testifies that claimant was treated by her husband for about two years, from 1867, for rheumatism and liver trouble. The medical examiner, in July 1883, states that while there are no visible symptoms of rheumatism, he

complains of weak back and symptoms which point to sciatica. His appearance is that of chronic dyspepsia and debility. Had he claimed for debility resulting from chronic dyspepsia, I should rate him a total, $8.

Two members of the board of surgeons, March, 1884, states there is a general atrophy of the muscular system, there is increase cardiac impulse, but no valvular disease. For muscular atrophy and consequent debility of the whole system we rate him one-fourth, third grade.

All the evidence tends to show that claimant entered the service of the United States a sound, healthy man; he came out a physical wreck, and has continued to suffer from its effect. Your committee therefore recommend that the bill do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2544.

SALLY B. BENT.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6606.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6606) granting a pension to Sally B. Bent, submit the following report:

Sally B. Bent filed a claim as dependent mother of David P. Bent, a private in Company G, Fourth Vermont Regiment, who died of disease in the service. Her claim was rejected "on the ground that claimant was not dependent on the soldier for support at the time of his death, her son, C. C. Bent, having before that time agreed to support her, and having performed said contract."

It appears from the evidence filed in the Pension Office, and with this committee, that in the spring of 1861 the Bent family consisted of the claimant and her husband, two sons and two daughters. The husband was at that time, by reason of poor health, able to perform but little manual labor, nor was he at any time before his death, which occurred in 1880. Both daughters were deformed in person and deficient in intellect and intelligence, being thereby unable to take care of themselves.

The family resided upon a farm in the town of Marshfield, Vt., which was situated nearly half a mile from the public road, and comprised 61 acres of wet, stony land. The buildings were poor, and the entire property, real and personal, was worth from $1,000 to $1,200.

July 9, 1861, Mr. and Mrs. Bent deeded their property to their eldest son, Charles C. Bent, in consideration of a life support for themselves and their two idiot daughters. The younger son, David P., was a party to this arrangement, but, being a minor, could not appear of record. It was understood, however, that he should enter the service, turn over his pay for the support of the family, and on his return was to share in the title to the property. He enlisted September 21, 1861, and his State pay of $7 a month was drawn by the father, besides which he forwarded about $10 per month from his Government pay. He died in hospital at Washington, May 19, 1862.

The bar to the allowance of the mother's claim is in the contract for support made with the son Charles C. Technically, it destroyed her claim of dependence upon the soldier. In fact, we think, that dependence existed to a considerable extent. All the evidence tends to show that of the three male members of the family circle the soldier was the most competent. The father was an invalid for twenty-five years, and

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2545.

THOMAS S. HOPKINS.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 183.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 183) *for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers, submit the following report:*

The facts upon which this claim is based are set forth clearly in the report of the Senate Committee on Pensions, which this committee adopt, with a recommendation that the bill do pass.

Thomas S Hopkins, late a private in Company C, Sixteenth Regiment Maine Volunteers, seeks relief from the limitations of the arrears of pensions act of March 3, 1879, on the ground that from a time some months prior to the passage of said act down to a period subsequent to the 30th of June, 1880, he was prevented, by reason of the extreme severity of his illness and by mental and physical disabilities, from making an application for arrears in accordance with the provisions of said act. It appears that upon the first return of mental strength, and as soon as he could dictate a letter, viz, on November 20, 1880, that he made an application for a pension, which was granted him.

This claim received consideration in the first session of the Forty-seventh Congress and a bill granting the relief sought for passed the House of Representatives. The Senate Committee on Pensions, however, reported adversely upon it, on the ground that the evidence was not sufficient to substantiate the claimant's disability. Subsequent to this report additional testimony upon this point was procured, including the following statement from Drs. W. W. Johnston and H. D. Fry, his attending physicians, which statement seems to your committee as conclusive evidence of the fact that during the time within which applications could be made for arrears of pension under the act above referred to the claimant was mentally and physically disabled from taking advantage of its provisions, and for these reasons the committee believe that the petitioner is entitled to the relief sought for, and they recommend the passage of the accompanying bill as a substitute for Senate bill No. 183.

UNITED STATES OF AMERICA,
District of Columbia, ss:

W. W. Johnston, M. D., and H. D. Fry, M. D., of the city of Washington, D. C., being duly sworn, depose and say:

That they have been the regular medical attendants of Thomas S. Hopkins during his long illness.

That his disease has been the severest case of nervous exhaustion which has ever come under their observation.

That from March 8, 1879, and for many months previous thereto, down to November, 1880, he was absolutely disqualified, both mentally and physically, from attending to the business of applying for a pension, or any other business, by reason of the intensity of his symptoms; and that there were no intervals, however short, during that period when he could have safely undertaken the work.

That the effort he made in applying at so early a date has seriously retarded his recovery.

That he is still confined to his bed, and requires the constant attendance of some one.

That we have no pecuniary interest in the result of his pension claim.

W. W. JOHNSTON, M. D.,
1401 *H street northwest.*
H. D. FRY, M. D.,
819 *Fourteenth street northwest.*

Subscribed and sworn to before me this 7th day of June, 1882.
[SEAL.] MILTON C. BARNARD,
Notary Public.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2546.

MAURICE REEDY.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6921.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6921) granting a pension to Maurice Reedy, submit the following report:

This claimant enlisted January 4, 1865, as a private in Company M, Twenty-sixth New York Cavalry (First Frontier Cavalry), and was discharged June 27, 1865. He alleges that at Burlington, Vt., about February 1, 1865, from exposure, he contracted lung disease. Claim was rejected by the Pension Office—

On the ground of no record of the disability alleged, disease of lungs, and no satisfactory evidence showing its existence in service and for many years subsequent to discharge, while a transcript from the records of the Boston City Hospital shows that claimant had no disease of lungs, nor indications of same, prior to 1875. (See testimony of Dr. Samuel Delano herewith.) Claimant is unable to connect his present disability (which seems to be due to a cause originating since discharge) with the military service in the line of duty.

It is clear that the claimant is at present suffering from phthisis pulmonalis. This is shown by affidavits of physicians who have treated him recently, and the Rutland, Vt., board, under date May 6, 1885, gave a fifteen-eighteenths rating for "disease of the lungs."

Claimant states that he was treated, while in service, in hospital at Burlington, Vt., for disease of the lungs from about February 1, 1865, to about March 10, 1865. There are no records of the post hospital on file, but the records of the Baxter General Hospital show that he was admitted there from the post hospital February 14 with mumps and returned to duty February 17.

Claimant says he is unable to connect his disability with service by surgeon's certificate—the surgeon of the regiment, Dr. Thayer, being dead; that he cannot furnish officer's certificate for the reason that "Captain Grout does not remember anything about it, and that he does not know the address of First Lieutenant Howard, Second Lieutenant Baldwin, nor that of Sergeants Carlos E. Cheney, John P. Eddy, Alonzo H. Danforth, Charles Davis, nor George P. White, and that he does not think Sergeant Lonegan knows about his sickness in the army." He therefore requests that the testimony of his comrades, George F. Williams and George E. Russell, who well knew him in said service, and have known him ever since, and of his physical condition, may be accepted in lieu thereof. These comrades, who are certified as of good

repute for truth, certify that they served as privates in same company with claimant, and that he contracted a severe cold, which settled on his lungs, causing a disease of the lungs and chest, which he has had continuously ever since.

He produces two witnesses who knew him in 1865, after discharge, and who certify that he had a "hacking cough" and trouble with his lungs at that time, but is unable to produce medical evidence earlier than 1875.

Upon his statement that he was treated several years ago at the Boston City Hospital for lung disease, the Department secured a copy of the hospital record in his case, from which we select the following pertinent extracts:

April 11, 1878. Never was sick before except with an occasional cold. Has had a cough for six months, but has not been troublesome till within the past three months. * * * Has had a nasal catarrh for two years, attended by a "singing noise" in his head. * * *

April 30, 1878. Syphilitic iretis. Since April 1 has been in hospital for phthisis. Since the 25th has been treated for iretis. * * * Had rheumatism eight years ago, and now has slight rheumatic attacks whenever he catches cold. Last attack three months ago. Had chancre two years ago, followed by inflammation of inguinal glands.

In response to letter from the Department, Irving Fisher, M. D., superintendent of State almshouse at Tewksbury, Mass., writes under date September 23, 1885:

I took charge of this institution August 1, 1883, and found Maurice Reedy, or William Reed, as our records had his name, an inmate of the institution. It was thought that he would not live on account of having phthisis. I find the following, which is a transcript of his record, November 17, 1882:

"William Reed, forty-two; single; tinsmith; admitted from Boston City Hospital; fell off of building eleven weeks ago, and was taken to city hospital and from there here. He has an injured back, cough, dyspnœa, has bleeding from lungs five or six times; night sweats; expectoration muco purulent and sometimes a little bloody.

In the face of the record of the Boston City Hospital of April 11, which was doubtless his own statement of his condition, we cannot ignore the manifest weakness of the line of testimony connecting his present disability with his army service.

The committee therefore report the bill adversely, and ask to be discharged from its further consideration.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2547.

THOMAS S. HOPKINS.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1040.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1040) for the relief of Thomas S. Hopkins, submit the following report:

This committee has reported with a favorable recommendation Senate bill 183, the purpose of which is the same as that contemplated in this bill. Further consideration of the House bill being unnecessary, we recommend that it lie upon the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2548.

WARREN F. WOOD.

MAY 21, 1886.—Laid on the table and ordered to be printed.

Mr. HAYNES, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7834.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7834) to increase the pension of Warren F. Wood, submit the following report:

This bill proposes to increase the pension of Warren F. Wood from $8 to $16 a month. In a petition addressed to Congress, he represents as follows:

Your petitioner, Warren F. Wood, a soldier in Co. E, of the Eleventh Regiment of Vermont Volunteers, in the war of 1861, and a pensioner at the rate of $8 a month under a special act of Congress, approved May 25, 1878, most earnestly but respectfully prays your honorable body to pass an act increasing the rate of his pension. He represents that he was pensioned on account of rheumatism contracted while in the military service of the United States; that his disability from that cause has greatly increased since he was pensioned in 1878; that his leg had become painful and weak; that one day last October, while at work at his occupation of a carpenter, on the roof of a building, solely on account of the weak and disabled condition of his left leg, he fell from the roof, a distance of some 16 feet, striking on a stone wall, breaking both his arms, injuring his head and shoulder, and otherwise injuring him. These injuries were followed in a few weeks by a shock of paralysis of his right side; that he is now helpless and unable to perform any labor of any kind, and he believes that he will never be able to perform any manual labor again; that he is a poor man, dependent upon his labor and his pension for a support for himself and family.

He substantiates his account of the accident by the affidavits of George W. Colby and Warren F. Wood, who both express the opinion that his fall was the result of his lame leg. Colby was present at the time Wood fell. They also confirm the severity of the injuries as set forth in petition.

This committee's practice is against the granting of pensions for injuries incurred outside of, and not attributable to or connected with, the service. This man's injuries were the result of an accident, and it is very far from clear that the claim set up, that his fall was attributable to his lame leg, is correctly based. Falls from stagings are not uncommon with men possessed of unimpaired physical powers. This man's original pension was secured through the intervention of Congress, and however our sympathies may be enlisted for his present deplorable condition, this committee, upon the evidence presented, are not warranted in assuming that it is attributable to his Army service.

We therefore report the bill adversely and ask to be discharged from its further consideration.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2549.

WASHINGTON CABLE RAILWAY COMPANY.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HEARD, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 8976.]

The Committee on the District of Columbia, to whom was referred House bill No. 144, have had the same under consideration, and submit the following report:

The purpose of the bill is the organization of a company to operate an improved system of street railway by cable, that will furnish to the inhabitants of Washington rapid and cheap transportation to and from all parts of the city.

The present facilities afforded by the horse railroads are entirely inadequate for the needs of the present population, and in some way the growing requirements of the present and future must be provided for, and this bill, made up in part of two separate propositions included in two bills previously considered by this committee, with such changes, modifications, and restrictions as have seemed to the committee best calculated to perfect the measure as a work of legislation, is presented, after the most careful consideration, as embodying its views as to what will meet in practical operation the public needs.

The provisions of the bill guarantee the best known method of passenger transit through city streets, insuring speed, safety, cleanliness, and a uniformly cheap service.

The cable method of traction is not recommended by the committee as an experiment, but as the one shown by the experience of other cities of this country to be the best known.

The cable system, as contemplated under the provisions of this bill, will rid the streets of the present unsightly, annoying, and frequently dangerous horse-car rail, leaving the surface of the street from curb to curb smooth and even, thus giving to the owners of vehicles of every kind a safe and comfortable roadway. The danger and annoyance that attends the use of streets where the rail is necessarily in use where horse railroads are run is well known, and the fact that the cable system does away with such inconvenience altogether commends it for use in this city.

From a sanitary point of view the cable system has much to commend it, ridding, as it does, the city of stables, the streets of filth, and the air of noxious smells.

The committee, while mindful of the great desirability of the improved method of passenger transit contemplated by this bill, has carefully

considered the rights of existing corporations, and so far as is consistent with the public interest amended and modified the routes over which the proposed cable system will pass, so as to infringe as little as possible on the lines already in use by present roads, and only touching them when public exigency rendered it imperative.

Restrictive clauses have been added by the committee that are intended to secure compliance, on the part of the incorporators, with all reasonable requirements of the public. A uniform fare of five cents to and from any points on the various lines is provided for. It is the testimony of disinterested citizens generally that the operation of such a system of cable roads will meet a great public want, and at the same time bring into existence as a contributory element a large amount of property now valueless for purposes of taxation.

The financial ability and good faith of the incorporaters named in this bill is assured, and the speedy completion of the work provided for under the guidance and control of the proper local authorities.

9TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2550.

AURELIA C. RICHARDSON.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAWYER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1584.]

The Committee on Invalid Pensions, to whom was referred House bill 1584, *beg leave to submit the following report:*

The claimant is the dependent mother of Albert H. Fillmore, late of Company F, Eleventh New York Cavalry Volunteers.

The soldier enlisted in August, 1862, for three years, and died in hospital at Memphis, May 20, 1865, from confluent small-pox.

The claim was rejected on account of non-dependence upon the soldier at the time of his death.

The claimant is seventy-six years old, and the evidence shows that she is now poor and suffering from the infirmities of old age. Her husband, the stepfather of the soldier, is seventy-eight years old, a blacksmith by trade, broken down by physical infirmities, and unable to support himself and wife by labor. The income of all the property they now own is insufficient to furnish the commonest kind of a living.

At the time of the son's enlistment the property of the claimant was entirely insufficient for her support, and even with the earnings of her husband at that time was not enough to render them a comfortable living.

The evidence tends to show that at and before enlistment the son recognized his filial obligations by contributing to some extent to the mother's support.

We think this is a claim falling fairly within the rule adopted by the committee governing such cases, and finding it to be meritorious and just, recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2551.

SAMUEL BULMAN.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAWYER, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8977.]

The Committee on Invalid Pensions, to whom was referred House bill 6531, *beg leave to submit the following report:*

The claimant in this case was himself a private of Company M, First Regiment New York Artillery, and, as appears from the official discharge on file, enlisted September 4, 1862, and was discharged March 25, 1863, "for physical disability by reason of old age, no upper teeth, broken-down constitution, and improper enlistment."

The son, Dewitt C. Bulman, private Company B, Twenty-eighth New York Volunteers, was killed in battle at Cedar Mountain, August 9, 1862, as appears by the report from the Adjutant-General's Office.

It appears by the evidence on file in the Pension Office that the son contributed to the support of the claimant $50 per year for the four years prior to his enlistment, and sent home $40 while in the service.

The claimant was placed on the pension-roll July 8, 1869, as the dependent father of said soldier, at the rate of $8 per month, and in November, 1878, he made application for an additional pension for disability incurred while in the service of the United States. While said claim for additional pension was pending the claimant was dropped from the roll as dependent father on the ground that at the time of the death of his son the claimant was not dependent upon him, for the reason that he himself was in the United States service as a soldier. The evidence from the Adjutant-General's Office, however, shows that the father enlisted about a month after the death of his son, who for four years had been contributing to his support, and these facts show that the Department was incorrect in its reasons for suspending and dropping him from the rolls.

The special examiner having charge of the examination on the application for additional pension, in his report of date September 16, 1885, finds against his claim for the additional pension, but says:

"The pension as dependent father is undoubtedly meritorious, and I recommend its continuance.

The claimant is 70 years of age, has been stricken with paralysis, and is poor and dependent. His son, who had contributed to his support for years, was killed in battle. The claim is eminently meritorious, as a dependent father, and the committee recommend the passage of the bill herewith reported as a substitute for House bill 6531, by which the claimant is restored to the pension-roll as the dependent father of Dewitt C. Bilman, late private of Company B, Twenty-eighth New York Volunteers.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2552.

RELIEF OF JACOB A. HENRY.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 5936.]

The Committee on Claims, to whom was referred the bill (H. R. 5936) for the relief of Jacob A. Henry, having had the same under consideration, respectfully report:

Jacob A. Henry claims to be the assignee and beneficiary of a contract made by the Government with one S. N. Kimball for the construction of certain locks at Muscle Shoals, in the Tennessee River; that by reason of the prevalence of the yellow fever, and obstructions thrown in his way by the Government engineers, he failed to complete the contract within the time specified in the contract. Thereupon the Secretary of War terminated the contract, thereby entailing, as is claimed by Henry, a loss of $30,000 on him.

The Department also retained or withheld from said contractor, as forfeited, the sum of $3,974.74, for work previously done and accepted by the Government; also, the sum of $690.56, for work done after the termination of the contract and before notification of its termination was given to Henry, who was performing the work.

The letters of the Secretary of War, and of the engineer who was in charge of the work at the time, furnish all the information in regard to the subject-matter of the bill.

These letters are as follows:

WAR DEPARTMENT,
Washington City, May 12, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, inclosing for information House bill No. 5936, Forty-ninth Congress, first session, which authorizes the payment to Jacob A. Henry of amounts aggregating $36,665.24 for work done and damages incurred in the construction of locks on the Muscle Shoals Canal, Alabama.

In reply, I beg to transmit herewith a communication of the 7th instant from the Chief of Engineers, with a copy of a report in this case submitted June 3, 1882, by Maj. W. R. King, Corps of Engineers, in charge of improvements on the Muscle Shoals Canal, in connection with House bill No. 5592, Forty-seventh Congress, first session, which had in view the same object as the present bill, and also a copy of the letter from the Chief of Engineers of June 7, 1882, forwarding Major King's report, which latter covers the information possessed by this Department in regard to the case.

From the letters of the Chief of Engineers it will be seen that Major King is perfectly conversant with all the facts pertaining to the claim of Mr. Henry, and that his statements are entitled to consideration.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. WILLIAM M. SPRINGER,
Chairman Committee on Claims, House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, May 7, 1886.

[illegible] herewith the letter of 3d instant from the Hon. [illegible] chairman of the Committee on Claims, House of Representatives, [illegible] Jacob A. Henry for work done on Muscle Shoals Canal, [illegible] request for information thereon, to state as follows:

[illegible] upon a contract dated September 25, 1877, and mod- [illegible] between Maj. W. R. King, Corps of Engineers, [illegible] and Seth N. Kimball, for building locks on the [illegible]

[illegible] Mr. Henry's name nowhere appears, after having been, at [illegible] times extended, expired by limitation January [illegible]

[illegible] Forty-seventh Congress, May 24, 1882, in a [illegible] enclosed bill H. R. 5592, for the relief of Jacob [illegible] of above contract of Seth N. Kimball, with [illegible] in the War Department records.

[illegible] referred, reported June 3, 1882 (copy here- [illegible] case.

[illegible] of Hon. D. C. Smith to the Secretary of [illegible] perfectly conversant with all the facts per- [illegible] statements are entitled to consideration."

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., June 3, 1882.

[illegible] of Chief of Engineers, on communica- [illegible] House of Representatives to the hon- [illegible] I have the honor to report:

[illegible] for building locks 8, 9, and 10, [illegible] in 1877 (September 25), and I [illegible] to transfer his interest in the con- [illegible] to J. L. Overton & Co., including [illegible] Mr. Henry was given to understand, either [illegible] been or would be recognized.

[illegible] contract itself specified that "and it is further agreed [illegible] by the 14th section of the act of Con- [illegible] contract nor any interest therein shall [illegible] party or parties, and that any such transfer shall cause [illegible] of the contract as far as the United States is concerned."

[illegible] have bought a contract without reading it or he could [illegible] ignorant of the law.

[illegible] S. N. Kimball was ever recognized as having any interest in this [illegible] were signed by him in person and all payments were made [illegible] to the time the contract was annulled. Mr. Henry and all other per- [illegible] except inspectors, &c., employed by the Government), were treated [illegible] of Mr. Kimball, and as soon as I had positive information that such was [illegible] I recommended that the contract be annulled.

[illegible] McFarland, who acted as counsel for both Kimball and Henry, was ver- [illegible] by me that transfers of contracts were forbidden by law, and in July, [illegible] formally notified J. L. Overton & Co. (which Mr. Henry states included him- [illegible] Kimball was the only person recognized as having any contract or pecu- [illegible] interest in the work. (See appended copy marked A.)

[illegible] so far as relates to the obstructions of the boating channel by coffer-dams, there [illegible] the slightest cause of complaint.

When the contract was awarded to Kimball both channels below the mouth of the canal were about equally obstructed by rock reefs, and were neither of them navigable for a skiff at low water. There was no understanding at that time nor subsequently that the Government would improve either of these channels before the Kimball contract was completed: but it was found practicable to commence work on one of these channels early in 1878, and it was almost finished at the time the contract terminated. The improved channel, although not completed, was available for the contractor during the winter and spring of 1878 and 1879, and had he fully utilized it

then, there would have been no trouble in boating up all the stones he used during the existence of the contract. Having received this gratuitous help from the Government, Mr. Henry complains because the work was not entirely completed and the coffer-dam removed earlier in the season.

(6) The entire quantity of stone ready for boating from the quarry at the time the contract was terminated was only 469 cubic yards, less than one-eighth enough to build one of the locks. The delay caused by the non-completion of the channel was not, therefore, longer than it would have taken to boat that quantity of stone to the work, or say, 12 days.

(7) The delay of the steamer Hobson, referred to in the affidavit of William Davidson, and the consequent loss was due entirely to mismanagement or carelessness on the part of those having her in charge. She was employed when she could not work to advantage, and was run on a rock early in the season (before the coffer-dams in question were built), and instead of taking advantage of proffered assistance of the Government working force to get her off, she was allowed, in the most imbecile manner, to remain aground all summer, while her charter was running on, though I don't believe it was at the rate of $40 a day.

(8) There never has been a time from the beginning of work under Kimball's contract until the present that there was even a fair prospect that he would ever complete the work, and from what appeared to me to be good and sufficient reasons and in the interest of the work, I earnestly recommended that his bid be rejected. This recommendation, however, was not approved, and Kimball evidently entered into the contract with the deliberate intention of getting rid of it in some such way as he finally adopted.

(9) Although Mr. Henry may have been led into this trouble by unscrupulous men, and may have thought that he could complete the contract without losing money by it, there is not a shadow of doubt but that the termination of the contract by the Government, was the means of saving him thousands of dollars, as he could not have done the work for anything like the prices named in the contract and all work done would have been at a loss.

(10) Mr. Henry has no cause to complain of the treatment he has received from the Government in this matter. Believing that he had been duped by sharpers, I have gone to the very extent of my ability in dealing liberally with him. His tools, railroad, unused stone, and other materials were appraised by three competent and disinterested engineers at their "value to the Government in their present condition and location," and Mr. Henry was paid in full for all that could be conscientiously bought for the work. Stone to the value of $8,982 was bought, and the quarry he refers to has been rented since March 12, 1881, at $500 per annum, and will be a valuable quarry for other work when the Government is done with it.

And finally, I recommended and still recommend, that if it can properly be done the retained percentages ($3,974.74) and balance forfeited by Kimball ($690.56) for work done after the last payment be paid to Mr. Henry, on power of attorney from Seth N. Kimball, dated January 31, 1880. It should be noted that Mr. Henry had no power of attorney from Kimball until a month after the contract was terminated. This would certainly be a liberal settlement and should bring from Mr. Henry a receipt in full of all demands upon the Government arising out of work done under Kimball's contract.

Of course the plea in such cases is that the Government gets the benefit of the contractor's loss, but had Kimball cheated a poor laborer out of his wages, as laborers have often been cheated by contractors, the Government would have been neither morally nor legally holden for the amount, and still less should it be holden for the funds advanced by a capitalist who violates both the law and the contract.

However unfortunate Mr. Henry may have been in his business associations in connection with this work, it is fair to assume that all the parties in interest in this contract understand each other and are united on one point, viz: that all the money they can get out of this Government is clear gain to them.

All the facts stated in the foregoing report will be fully covered by affidavits of men of unquestioned integrity and intelligence, and will be forwarded on application if desired.

As the entire appropriation under which Kimball's contract was made has been expended, I would respectfully recommend that the Treasury Department be authorized to pay any allowance Congress may decide to make "from funds in the Treasury not otherwise appropriated."

Respectfully submitted.

W. R. KING,
Major of Engineers.

The CHIEF OF ENGINEERS, U. S. A.,
Washington, D. C.

A.

UNITED STATES ENGINEER OFFICE,
Chattanooga, Tenn., July 17, 1879.

GENTLEMEN: In reply to yours of the 11th instant, relative to putting in a certain kind of masonry for the foundation of lock No. 9, I would say:

(1) As you are probably aware, Mr. S. N. Kimball is the only person recognized as having any contract or other pecuniary interest in the work referred to, and all communications relative to the work should be made by him, or for him by power of attorney.

(2) The kind of masonry you propose to put in is not authorized by the contract, and is not therefore allowable. There is no objection to using stone containing flint, provided they are otherwise according to specifications, and I can see no reason why the stone from old locks Nos. 16 and 17 cannot be put in at once to make the wall, as required by this contract.

(3) A copy of this letter has been sent to Mr. Kimball, and one to Mr. Jordan.

Very respectfully, your obedient servant,

W. R. KING,
Major of Engineers.

J. L. OVERTON & CO.,
Florence, Ala.

The committee are of opinion that the claimant should be paid for the work actually done and accepted by the Government, as recommended by Major King, the engineer.

Amend the bill by striking out the preamble.

In line 3 strike out the word "said."

After the fifth line insert the words "under the contract of S. N. Kimball with the United States for building locks at Muscle Shoals, in Alabama."

Strike out all the bill after the word "limited" in the eleventh line, and insert the words, "*Provided*, That the said Henry files with the proper Department of the Government a power of attorney from said S. N. Kimball, authorizing the said Henry to receive and receipt for said sums in satisfaction of all and every claim against the Government on account of said contract, and that said sums shall be in full satisfaction of any and all demands against the Government arising out of said contract."

When so amended the committee recommend that the bill do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2553.

ISAIAH W. LEES AND H. H. ELLIS.

MAY 21, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. NEAL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2135.]

The Committee on Claims, to whom was referred the bill (S. 2135) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, Cal., for services rendered the Government, have had the same under consideration, and report as follows:

This bill contains the same words and figures as the bill (H. R. 3864) which has already been reported favorably by this committee (Report No. 1010) and now on the Calendar.

Your committee therefore report this bill back to the House without amendment, with the same favorable recommendation, to be considered in connection with the House bill on the same subject.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2554.

REGULATING COMMERCE.

MAY 22, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. REAGAN, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill S. 1532.]

The Committee on Commerce, to whom was referred the bill (S. 1532) to regulate commerce, have had the same under consideration, and beg leave to report the same back to the House, with the accompanying amendment in the nature of a substitute therefor, and recommend its passage as amended.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2555.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

MAY 24, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 4670.]

The Committee on Commerce, to whom was referred House bill 4670, beg leave to report the bill with the Senate amendments, which were duly considered, and respectfully recommend that these amendments be concurred in.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2556.

MISSION INDIANS, STATE OF CALIFORNIA.

MAY 24, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 53.]

The Committee on Indian Affairs, to whom was referred the bill (S. 53) for the relief of the Mission Indians in the State of California, having considered the same, submit the following report:

The Mission Indians of Southern California, numbering approximately four thousand, live chiefly in little villages on Government lands and upon lands within the limits of old Mexican grants. These grants had been made, prior to the cession of California, to Spanish and Mexican citizens, and had been recognized, surveyed, and patented by the United States; the patent by the United States not enlarging, of course, the grant in any way, but the patent being subject to all limitations and restrictions imposed in the original grant.

These Indians had been in interrupted occupation of these lands generation after generation. By the laws of the Mexican Government they became possessed of certain estates in all lands so occupied. All grants made by that Government were expressly limited and made subject to the occupancy of these Indians, and so restricted as not to impair their estates therein. When these lands and the Indians upon them passed by the treaty of Guadalupe Hidalgo under the jurisdiction of the United States, there passed with them at the same time unimpaired all the rights, title, and estate which had been recognized by the Mexican law. No law of the United States could affect that title; no enactment dispossess them. More than that, there fell upon us at the time the charge of protecting each individual in all property rights vested in him under the laws of the Government to which he had been subject. The manner in which we have discharged these obligations is a lasting reproach to us. We have permitted these Indians to be driven year after year from these lands, yielding up to the rapacious land-grabbers village after village and valley after valley which they had reclaimed from desert waste, by irrigation rendered rich and fertile.

Had their rights been guarded for even a short time after their accession they would have easily become a part of our civilization, and aided greatly to simplify, instead of complicate, one of the great problems of our time.

Under the Spanish and Mexican Governments they had rapidly advanced in civilization. They cultivated lands, lived in villages, received education, reared chapels, observed religious rites, and followed its teachings with devotion.

In a report made to the Interior Department in 1853, touching their former condition, we find the following:

These same Indians had built all the houses in the country, planted all the fields and vineyards. Under the Missions there were masons, carpenters, plasterers, soap-makers, tanners, shoemakers, blacksmiths, millers, bakers, cooks, brick-makers, carters and cart-makers, weavers and spinners, saddlers, shepherds, agriculturists, horticulturists, vineros, vagueros—in a word, they filled all the laborious occupations known to civilized society.

They came in contact with a civilization which was a law unto itself. The Spanish and Mexican law was under them, but it was impotent. The law of the new Government was over and about them, but it was not for them. They began to be deprived of their property, and with it went their independence and thrift. Wherever they were in immediate contact with the whites many of them became homeless, broken, begging, dissolute beings. Yet there are in Southern California at this time many isolated villages in the mountain valleys, where they live quietly and comfortably, tilling their lands and tending their flocks; a survival of what has been a suggestion of the development they once fairly promised.

Each month brings some new encroachment upon them. They are poor, simple, weak. They are totally unable to ascertain what rights they have, or assert them if they were defined.

It remains for us to repair in some measure the wrongs we have permitted to be worked upon them.

This subject has been pressed for consideration by special message from the Executive during the present session of Congress, and action in the premises urged by the Secretary of the Interior and the Commissioner of Indian Affairs. (See Ex. Doc. No. 15.)

Looking to the accomplishment of this most desirable object this bill (S. 53) is herewith presented by your committee.

Except some slight modifications, it embodies the same provisions as the Senate bill which unanimously passed that body on the 3d of July, 1884, and again during the present session of Congress. It comes from your committee after most pains-taking consideration with a few amendments noted later in this report.

The bill creates a commission of three to be appointed by the Secretary of the Interior for the purpose of arranging a satisfactory settlement of the Mission Indians upon reservations to be selected by the commission, as far as possible from lands now in possession of these Indians. The selection so made for reservation purposes shall only be valid on approval by the President and Secretary of the Interior.

This commission is authorized to appraise the value of the improvements belonging to any person to whom valid existing ghts have attached where the improvements are within the limits of su selected reservation.

These reservations, upon selection, definite location, and due approval, are to be held by the United States in trust for the benefit of the Indians twenty-five years, and then patented to the proper band or village. No patent, however, shall issue, embracing any lands to which existing valid rights have attached in favor of any person under the land laws of the United States, until such person accepts and acquiesces in the isal of said commission, and until subsequent legislation shall be l by Congress with a view to securing the release and quit-claim person thereto. Neither shall any lands be selected for reser- which any railroad is or may be entitled to receive a patent for, such railroad company, with the approval of the Secretary of the

nterior, and at such place as he may designate, shall select an equal quantity of land of like value in exchange therefor.

The title to any reservation in any band, tribe, or village provided for in the bill is expressly subject to the limitations that the Secretary of the Interior may in his discretion cause allotments to be made to individual Indians out of such reservations when in his opinion any of them are sufficiently advanced in civilization to warrant such allotment, and the individual patent is made superior to the patent to the band or village.

Provision is made that the allotment to each head of a family may be 640, and shall not be less than 160 acres, of which not exceeding 10 acres shall be arable land. To each single person over the age of twenty-one years not less than 80 acres shall be allotted, apportioned in like manner as to arability.

It is absolutely necessary, in the opinion of your committee, to invest the Secretary of the Interior with a large discretion in this matter. The land from which these reservations are to be selected will of necessity embrace large tracts nearly worthless, when a quarter of a section would scarcely graze a single animal, in order to secure a few little narrow valleys capable of irrigation. It is therefore impossible to fix to a certainty the amount of land proper to be allotted in each case. The quantity will from natural conditions have to be greatly varied in different allotments.

The bill further provides that the Secretary of the Interior may defend in the United States courts the rights secured to these Indians in the original grants from the Mexican Government; or he may bring suit to protect the legal or equitable rights of said Indians in such lands. Bringing or defending any action under this section is left entirely to the judgment of the Secretary, and the power conferred would of course never be invoked except in the interests of justice to these utterly dependent Indians and economy to the General Government.

Your committee therefore recommend the early passage of said Senate bill No. 53, with the following amendments to the printed bill:

Amend section 2 by inserting in line 7, after the word "requirements," the following words: "which selection shall be valid when approved by the President and Secretary of the Interior."

Amend section 3 by striking out the word "patent" in line 3 of said section, and inserting in lieu thereof the word "certificate;" and by striking out the word "patented" in line 5 of said section, and inserting in lieu thereof the word "certificate;" and by striking out the word "patented" in line 7 of said section, and inserting in lieu thereof the word "certified;" and by adding after the word "village" in line 10 of said section the words "subject to the provisions of section 4 of this act;" and by adding after the word "patent" in line 12 of said section the words "or certificate;" and by adding after the word "domain" in line 15 of said section the words "unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects, and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto, and a separate certificate and patent in similar form may be issued for any such tract or tracts at any time thereafter. Any such person shall be permitted to exercise the same right to take land under the public land laws of the United States as though he had not made settlement on the lands embraced in said reservation;" and by striking out all of said section after the word "which" in line 21 and inserting in lieu thereof the following words: "any railroad company is, or shall hereafter be, entitled to receive a patent; such

railroad company shall upon releasing all claim and title thereto, and on the approval of the President and Secretary of the Interior, be allowed to select an equal quantity of other land of like value in lieu thereof, at such place as the Secretary of the Interior shall determine."

Amend section 4 by adding after the word "reservation" in line 2 the words "certified or;" and by striking out after the word "shall" in line 3 of said section the words "desire allotments of," and inserting in lieu thereof the following words: "in the opinion of the Secretary of the Interior be so advanced in civilization as to be capable of owning and managing;" and by inserting after the word "Indians" in line 4 of said section the words "out of the lands of such reservation;" and by inserting after the word "each" in line 5 of said section the word "head."

Amend section 5 by striking out the word "patents" in line 3 of said section, and inserting in lieu thereof the word "certificates;" and by striking out after the word "Provided" in line 17 of said section the remainder of line 17, all of lines 18, 19, 20, and the first three words of line 21; and by inserting after the word "these" in line 21 of said section the words "certificates or;" and by inserting after the word "village" in line 25 of said section the words "certificates or."

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2557.

AMENDING REVISED STATUTES.

MAY 24, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. PERRY, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill H. R. 9105.]

The Committee on the Territories, to whom was referred the bill (H. R. 8287) to amend section 1858 of the Revised Statutes of the United States, beg leave to report that they have had said bill under consideration, and respectfully submit the accompanying substitute therefor, and recommend the passage of the same.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2558.

PUBLIC BUILDING, NEWPORT, KY.

MAY 24, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 538.]

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 538, beg leave to submit the following report:

Newport, Ky., is the third city in population in the State, now numbering about 25,000 people.

Its manufacturing interests are varied and extensive and are steadily increasing.

For years the building occupied by the Government for a post-office has been of such a character that many of the citizens of the city have transacted all their mail business through the post-office in the city of Cincinnati at great personal inconvenience. Owing to this fact the revenues of the office have been materially reduced.

The gross year's receipts of the office for the year 1885 were $9,285, and it is estimated that the same will be increased almost one-fourth during the present year.

The present office for which the Government is paying an annual rent of $1,000, is entirely too small for the proper transaction of the business of the office and for the accommodation of the public.

Your committee therefore recommend the passage of Senate bill No. 538, with the following amendments:

In lines 11 and 12 strike out the words "one hundred thousand" and insert in lieu thereof the words "sixty thousand."

After the words "civil process thereon," in the last line of said bill, add the following words: "Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of sixty thousand dollars for site and building."

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2559.

POST-OFFICE BUILDING AT FORTRESS MONROE, VA.

MAY 24, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 479.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va., beg leave to report:

A bill similar to this was before the Forty-eighth Congress, and the following report was submitted thereon by the Committee on Public Buildings and Grounds:

The present building used for a post-office at Fortress Monroe, Va., is a low frame structure, not built for the purpose, in a dilapidated condition, so much so that at every rain the water runs into the office.

The building is too small for the large amount of mail handled at this office. Besides the garrison of some five hundred officers and men and the hotels on the reservation, which average the year round five hundred guests per day, this office receives and distributes the mail for the United States ships which rendezvous in Hampton Roads, the large fleet of merchant vessels which are almost constantly at anchor here, and also receives and distributes the mail of Mill Creek, a village of some 800 inhabitants, and handles the mail to and from Hampton, Va., the National Military Home, and the normal school.

Your committee adopt the above report, and recommend the passage of Senate bill No. 479 with the following amendment:

After the word "commissioner," in the last line of said bill, insert the following words: "Nor shall any plan for the erection of said building be approved by the Secretary of War involving an expenditure exceeding the said sum of $15,000."

The accompanying letters, from the honorable Secretary of War and General J. C. Tidball, are submitted herewith.

WAR DEPARTMENT,
Washington City, June 10, 1884.

SIR: Acknowledging the receipt of your letter of the 16th ultimo, inclosing a copy of H. R. 4649, "A bill to provide for the erection of a post-office at Fortress Monroe, Va.," and requesting to be informed of my views as to whether the public service requires any such building at that place, I have the honor to state that the subject was referred to the commanding officer at Fort Monroe, and to inclose herewith a copy of his report, dated the 30th ultimo, which is concurred in by the Lieutenant-General of the Army.

It is deemed proper to add that the post-office, if erected, would be not only for the

use of military officers at the post and the employés of the Government, but for a very large number of transient visitors constantly at Old Point Comfort.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. CASEY YOUNG,
Of the Committee on Public Buildings and Grounds, House of Representatives.

[Third indorsement.]

HEADQUARTERS UNITED STATES ARTILLERY SCHOOL,
Fort Monroe, Va., May 30, 1884.

Respectfully returned to headquarters Department of the East. The post-office at this place has, for the last twelve or fifteen years, been located in a small frame building erected for temporary purposes during the civil war. It was never very suitable, and is now so dilapidated as to be entirely unsuitable. It is, furthermore, so decayed as to be quite unrepairable, and there is no other building fit for the purpose available. A new building is of the first necessity, as can be testified to by Representatives Horr, Ellis, Keifer, and Burleigh, who, a short time ago, saw the present building.

JNO. C. TIDBALL,
Lieutenant-Colonel, Third Artillery, Brevet Brigadier-General, Commanding.

FORT MONROE, VA., *December* 17, 1884.

DEAR SIR: A new post-office building is required at this place for the following reasons:

The building now used for this purpose was a temporary affair constructed during the war; it is now so much decayed and dilapidated as to be beyond repair. It is at best but a shanty, leaky and insecure from fire and burglars, and is, furthermore, too small and incommodious for the amount of business now to be transacted in it. There is no other building at the post suitable or available for this purpose, and no money obtainable from Army appropriations to construct one.

The importance of the office demands that it should be in a secure and convenient building. It is an important office, not only for the transaction of a large amount of Government business, but to shipping, a great deal of which arriving at and departing from Hampton Roads, transacts business by mail from this point.

Not the least important as demanding good post-office facilities is the multitude of people who resort to this place, summer and winter, from all parts of the country, and whose circumstances, business and social, require better mail accommodations than can be found in the present building.

As the building desired is to be on Government land and for the accommodation of this important military post, the arsenal, the light-house, and buoy establishment, together with shipping and other important civil and commercial interests, it seems eminently fitting that the Government should erect and own it.

An appropriation of $5,000 will accomplish it.

Very respectfully, your obedient servant,

JOHN C. TIDBALL,
Brevet Brigadier-General, Commanding.

Hon. H. LIBBEY,
United States House of Representatives,
Washington, D. C.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2560.

OFFICERS AND ENLISTED MEN ON SICK-LEAVE.

MAY 24, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LOUTTIT, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3238.]

The Committee on Invalid Pensions, to whom was referred House bill 3238, beg leave to submit the following report:

Section 4700 of the Revised Statutes, as it now stands, has been since its enactment the means of denying many a just and equitable claim presented by veteran soldiers for adjudication before the Commissioner of Pensions. It is not, however, believed by your committee that it was the intention of Congress to erect any such bar. Each successive Congress since its passage, however, has been called upon to grant special relief to individual cases arising under this section, and has uniformly done so where the facts in the case were of a favorable nature, and the only bar was the one cited.

The bill as presented, in modifying the section, will obviate the necessity of a vast number of relief bills, and does not in any way open the road for the allowance of fraudulent claims. The wording of the law as it now stands in effect defeats the very class of claims it was designed to cover.

The clause "with the organization to which they belong" under the construction now placed upon it actually necessitates a whole company to remain together; otherwise there can be no title to pension should the disability then originate, while as a matter of fact the soldiers when on veteran furlough after reaching the place of organization were granted individual leaves and scattered to their several places of residence, and did not rejoin their command until the expiration of their furlough.

If there is any particular class of soldiers who should receive special recognition from the hands of this Government it is those who faithfully served their country during the period for which they enlisted and then volunteered their services as veterans when they could have departed to their homes and families without being oblighed to again shoulder their muskets in their country's defense and follow at the tap of the drum.

The Commissioner of Pensions, to whose attention this bill was brought, gives the following opinion as to the propriety of the proposed amendment:

* * * * * * *

Concerning the desirableness of such an enactment, I see no reason for a discrimination in the law against those whose sickness was incurred in line of duty, or who were absent on a furlough granted by the Government as inducement for reenlistment.

* * * * * * *

Upon inquiry at the Pension Office, no definitive information could be obtained as to the actual number of claims that have been heretofore rejected under this section without an examination as to the individual cause of rejection of the two hundred thousand cases now in the rejected files of that office, nor can it be intelligently estimated how much additional it will cost the Government.

Your committee, however, are clearly of the opinion that the measure should become a law, and therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2561.

VIRGINIA TAYLOR RANDALL.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WOLFORD, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7712.]

The Committee on Pensions, to whom was referred the bill (H. R. 7712) granting a pension to Virginia Taylor Randall, widow of Lieut. Col. Burton Randall, U. S. Army, have had the same under consideration, and beg leave to submit the following report:

The committee find that Colonel Randall was appointed in the Regular Army of the United States fifty-four years ago; that he served with credit and distinction for a period of thirty-six years; they also find that during the late war he was brevetted for faithful and meritorious service. The committee find that he served in the campaign against the Seminole Indians in Florida, and in the army of occupation and invasion in the war with Mexico. They find that in the Florida war he contracted disease from which he never recovered. The committee also find that the widow of Colonel Randall is quite old and feeble and in necessitous circumstances. The committee here insert, as part of their report, the record of Colonel Randall furnished by the War Department:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 16, 1886.

Statement of the military service of Burton Randall, late of the United States Army, compiled from the records of this office.

He was appointed assistant surgeon U. S. Army October 24, 1832; promoted surgeon July 7, 1838; retired October 17, 1868. He received the brevet of lieutenant-colonel March 13, 1865, "for faithful and meritorious services during the war." He was on duty at Fort Jackson, La., from October, 1832, to July, 1833; in the Indian Territory to December, 1833; in Louisiana to April, 1836; in connection with emigrating Indians to August, 1836; at Washington, D. C., to October, 1838; at Philadelphia, Pa., to April, 1839; in the Florida war against the Seminole Indians to March, 1842; at Fort Pickens, Fla., to June, 1842; in Louisiana to April, 1843; in the Indian Territory to January, 1847; with the army of occupation and invasion in the war with Mexico, to July, 1848; at Fort Barrancas, Fla., to September, 1849; at Jackson Barracks, La., to June, 1853; in the Indian Territory to August, 1857, and at Carlisle Barracks, Pa., to September 26, 1861; on leave to October 26, 1861; in charge of the General Hospital at Annapolis, Md., to July, 1862; on duty at Fort Hamilton, New York Harbor, to March, 1866, and at Fort Trumbull, Conn. (on leave May 1 to June 30, 1867), to August 16, 1867; on sick leave to September 15, 1868; awaiting orders to October 17, 1868, upon which date he was retired from active service, being over sixty-two years of age, under act of July 17, 1862. On November 9, 1878, he was admitted to the Government Hospital for the Insane, in the District of Columbia, where he remained, under medical treatment, until he died, February 8, 1886.

J. C. KELTON,
Assistant Adjutant-General.

The committee also append to, and make a part of, their report the affidavit of Elizabeth B. Randall and John Wirt Randall:

STATE OF MARYLAND, *Anne Arundal County, ss:*

I hereby certify that on this 20th day of April, 1886, before the subscriber, a justice of the peace in and for said State and county, personally appeared Elizabeth B. Randall, John Wirt Randall, and being first respectively duly sworn upon the Holy Evangels of Almighty God, depose respectively and say that they respectively knew Virginia Taylor Randall, who, as widow of Dr. Burton Randall, U. S. Army, deceased, has made or is about to make application to Congress for a pension, that they have respectively known the said Virginia Taylor Randall for a period of over thirty years as the wife of the said Burton Randall, and that to the best of their respective knowledge and belief the said Virginia Taylor Randall is about sixty-seven years of age, and that they have understood and believe that she was married to the said Burton Randall, deceased, in the year 1848.

Said deponents respectively further make oath and say that they have no pecuniary interest whatever in said application.

ELIZ. B. RANDALL.
J. WIRT RANDALL.

Witness:
D. C. THOMPSON.

Signed and sworn to before me this 20th day of April, 1886.

D. C. THOMPSON,
Justice of the Peace of the State of Maryland in and for Anne Arundel County.

The committee also append and make a part of their report the affidavit of Henrietta S. Magruder:

STATE OF MARYLAND, *Anne Arundel County, ss:*

I hereby certify that on this 20th day of April, 1886, before the subscriber, a justice of the peace in and for said State and county, personally appeared Henrietta S. Magruder, of said county, to me well known, and being by me first duly sworn upon the Holy Evangels, deposes and says that she has known Virginia Taylor Randall, who, as widow of Dr. Burton Randall, U. S. Army, deceased, has made or is about to make application to Congress for a pension, and has known the said Virginia Taylor Randall since about the date of her marriage to the said Burton Randall, August 10, 1848. That deponent was sister of said Burton Randall, deceased, and knew the said Virginia Taylor Randall intimately from the year of her said marriage; that to the best of deponent's knowledge and belief the said Virginia Taylor Randall is sixty-seven years of age.

HENRIETTA S. MAGRUDER.

Witness:
D. C. THOMPSON.

Subscribed and sworn to before me this 20th day of April, 1886.
[SEAL.] D. C. THOMPSON, *J. P.*

The committee also append to and make a part of their report the statement of Hon. Joseph Wheeler:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 2, 1886.

General FRANK L. WOLFORD,
House of Representatives:

MY DEAR SIR: I served with and was intimately acquainted with Col. Burton Randall during the winter of 1859 and 1860. I recall conversations in his family regarding his ill health, and that it was attributed to exposure in the service and the hardships incident thereto. At this time there was no "retired list," and pension claims were not considered.

I regard the bill introduced by Mr. Willis, to grant a pension to Colonel Randall's widow, as very meritorious, and hope it will receive your favorable consideration. Mrs. Randall was, as you know, a Miss Virginia Taylor, of Kentucky, a niece of President Taylor.

With high regard, truly your friend,

JOSEPH WHEELER.

The committee recommend that, in view of all the circumstances and the age of Mrs. Randall, the bill do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2562.

SARAH E. HOLROYD.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 94.]

The Committee on Claims, to whom was referred Senate bill 94, submit the following report:

After a careful investigation of the evidence in this case, your committee adopt the following report of the Senate committee, and recommend the passage of the bill, which report is in words and figures as follows:

[Senate Report No. 51, Forty-ninth Congress, first session.]

The Committee on Patents, to whom was referred the bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased, have duly considered the same and accompanying papers, and recommend that it pass.

The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of the Navy, and extracts from the report of Chief of Ordnance, transmitted in response to a call from the Committee on Patents of the United States Senate, Forty-seventh Congress, first session, under date of February 23, 1882, that your committee ask to make the same a part of their report, and append a decision of the Supreme Court of the United States that is pertinent:

NAVY DEPARTMENT,
Washington, March 16, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing a copy of a bill (S. 243) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased.

In compliance with your request for information in regard to the claim of the late Mr. Holroyd, I transmit a copy of a letter, with its inclosures, from the chief of the Bureau of Ordnance, furnishing answers to the questions presented by you; also, a copy of a communication and accompanying report from the commandant of the navy-yard, Washington.

The bill is herewith returned.

Very respectfully,

ED. T. NICHOLS,
Acting Secretary of the Navy.

Hon. WILKINSON CALL,
Committee on Patents, United States Senate.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, March 4, 1882.

SIR: I have the honor to return herewith a communication to the Navy Department from the chairman of the Senate Committee on Claims, dated December 23, 1881, requesting information concerning certain alleged inventions of the late John Holroyd.

I beg leave to submit, in reply to the questions contained in the said letter, the following remarks, and also the appended papers, which further explain the matter:

Reply to first question.—The Navy Department is still using a hook and eye for tackle-blocks patented by the late John Holroyd, March 18, 1873. * * *

Reply to second question.—There is no evidence on file in this Bureau that Mr. Holroyd ever claimed, or that the Government ever paid him, anything beyond the regular daily amount paid to and accepted by him in return for his services in the various positions that he held from time to time in the Ordnance Department. * * *

It is considered that $1,000 would be reasonable compensation to the estate of Mr. Holroyd for the past and future use by the Government of his patented hook and eye for tackle-blocks.

As regards the other articles on the Senate bill 243, it is not considered expedient that any allowance should be made upon them. * * *

I am, sir, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. WILLIAM H. HUNT,
Secretary of the Navy.

The Chief of Ordnance appends to his report, under head "gun-tackle blocks," the following:

"The distinctive feature is the nib-hook, which holds a block steadily in a horizontal and convenient position. The eye assists in this.

"This device is considered ingenious and original. * * *

"The device has been extensively used in the past, but probably will not be as useful in the future.

"It is thought that about 2,500 blocks have probably been made with the nib-hooks and eyes." * * *

APPENDIX.

A decision by the Supreme Court of the United States *vs.* Burns (Wallace's Reports, vol. 12, page 252, December term, 1870), viz:

"If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States equally with any other citizen not engaged in such service; and the Government cannot, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him."

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2563.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SHAW, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4018.]

The Committee on Claims, to whom was referred the bill (H. R. 4018) for the relief of the North German Lloyd Steamship Company, having considered the same, submit the following report:

The facts in the case are fully set forth in a favorable report by the Committee on Ways and Means of the House of Representatives at the first session of the Forty-eighth Congress, which is adopted by this committee and made part hereof, and the passage of the bill recommended.

The Committee on Ways and Means, to whom was referred the bill (H. R. 721) for the relief of the North German Lloyd Steamship Company, having considered the same, submit the following report:

This bill provides for refunding by the United States the sum of $2,422.35 to the North German Lloyd Steamship Company, that being the amount paid by the said company for duty assessed on a steel crank-shaft, to replace a similar shaft in one of the company's steamships, which was defective by reason of cracks discovered on the arrival of the steamship at the port of Baltimore from Bremerhaven in April, 1881. The facts in the case, as established by the records of the Treasury Department, and by the affidavits of the company's officers, are briefly these:

On April 23, 1881, the steamship Strassburg, of the North German Lloyd Company, arrived at the port of Baltimore from Bremerhaven. On the customary examinations of her machinery after her arrival in port, it was discovered that the crank-shaft contained several cracks, which prevented the vessel from completing her voyage until the defective shaft could be replaced.

By reason of the peculiar construction of the Strassburg, the company keeps on hand at Bremerhaven, the home port, a duplicate crank-shaft, in order that any accident to that piece of the ship's machinery may be repaired without delaying the vessel to the pecuniary loss of the company. When the defects were discovered in the shaft of the Strassburg, the company's agents at Bremerhaven were immediately notified by cable, and the duplicate shaft belonging to the ship and held in reserve for such an emergency was shipped by the steamer Hermann, a consort of the Strassburg on the same line.

On the arrival of the Hermann at Baltimore the duplicate shaft was transferred to the Strassburg, put in the place of the defective shaft, and the vessel sailed on the return voyage with the new shaft as a part of her working machinery. The collector of the port of Baltimore assessed the duplicate shaft as imported merchandise subject to duty, and the company paid, under protest, duty at the rate of 45 per cent. ad valorem, which amounted to $2,422.35.

The action of the collector was confirmed by the Treasury Department, under regulations of that Department, which declared that "anchors, sails, and chains, imported to be used for the equipment of a vessel, are liable to duty." Under strictly

technical construction of the law, and a proper regard for the faithful collection of the revenue, the duplicate shaft may be said to have been properly held for duty. But it is fair to assume that it was not contemplated by the law that vessels of foreign countries, trading with ports of the United States, should be prevented from obtaining prompt relief when damaged or in distress, by taking advantage of proper business precautions adopted to guard against the ordinary casualties of ocean travel.

It is held by the Treasury Department that the shaft was "landed," and therefore became an importation in the meaning of the statutes, and liable as such to duty. This is true; yet, under other regulations of the Department, had the shaft been imported in bond by the Herman, it could have been withdrawn by the Strassburg, which vessel could have been towed out of the harbor, when the new shaft could have been put in the place of the damaged shaft, without incurring liability to duty. To have compelled the Strassburg to remain in port until a new shaft could be made in the United States to replace the damaged shaft, when the company had a duplicate shaft to meet the emergency, would have caused great loss to the company, and would have been a violation of that comity which usually prevails among maritime nations.

As the Treasury Department is without power to act in such cases, your committee believe this is a proper case for action by Congress, and recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2564.

ZEB WARD.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MCKENNA, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 86.]

The Committee on Claims, to whom was referred House bill 86, submit the following report:

That on the 10th of November, 1876, the Attorney-General of the United States designated, under the acts of Congress of May 12, 1864, and March 5, 1872, the Arkansas State penitentiary as the place for the imprisonment of persons sentenced to imprisonment and hard labor by the courts of the United States for the district of Louisiana, and on the 18th made a contract with Ward & Peck, the lessees of said penitentiary "to safely keep, subsist, and clothe, and medical attendance and medicine" for such prisoners. Peck assigned his interest in the lease of said prison and in said contract to Zeb Ward, the claimant, and the said Ward duly performed the contract on his part.

By said contract Ward was to receive 75 cents per day for each prisoner, but on submission of one of his accounts to Judge Caldwell (why it was submitted does not clearly appear), the latter expressed an opinion that, as to those prisoners who labored, and the avails of their labor was obtained by Ward, 50 cents per day was sufficient compensation. On account of this opinion the Department refused to pay more than 50 cents. Ward protested; he had no other remedy, as the law of Arkansas compelled him to receive the prisoners sentenced by the Federal courts.

On account of the contention between it and Ward, or for other reasons, the Department subsequently directed prisoners for long terms to be confined elsewhere, and Ward received those only condemned for short terms, and who were generally sick, wounded, and unfit for labor. By this the Department, while it continued the amount recommended by Judge Caldwell, ignored the reason for it, and violated the contract with Ward & Peck besides. Seventy-five cents was the usual local charge for keeping prisoners without medical attendance or medicines. Including these 75 cents is certainly not an unreasonable charge. The amount stated in the bill is the difference between that which Ward received and that which he was entitled to under the contract for prisoners actually kept and provided for. He presents no charge for the violation of the contract in taking from him the long-term prisoners, while presumably these were some inducement to the contract.

Your committee recommend the passage of the bill.

I CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
rt Session. } { No. 2565.

MARY C. CROSBY.

MAY 24, 1886.—Laid on the table and ordered to be printed.

CROXTON, from the Committee on Private Land Claims, submitted the following

REPORT:

[To accompany H. Res. 161.]

ıe Committee on Private Land Claims, having had under considera- House Resolution No. 161, for the relief of Mary C. Crosby, report as Mary C. Crosby voluntarily took a step which forfeited her right ɔmplete her pre-emption, she is not entitled to the relief sought. ɔur committee therefore recommend that the said House resolution e upon the table.

O

TH CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
1st Session. } { No. 2566.

MONUMENT AT STONY POINT, N. Y.

r 24, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

. STAHLNECKER, from the Committee on the Library, submitted the following

REPORT:

[To accompany H. Res. 156.]

e Committee on the Library, to which was referred the joint resolution H. Res. 156) *authorizing the Secretary of War to erect at Stony Point, V. Y., a monument, having duly considered the same, begs leave to report:*

'he recapture of Stony Point was probably one of the most brilliant l thrilling exploits in our Revolutionary War. For wisdom in con- tion and daring in execution the military annals of the world fur- h no superior and but few equals.

Stony Point is a high rocky promontory on the west bank of the dson, washed on three sides by the river, and approached on the and side over an alluvial marsh, which at certain stages of the tide overed with water.

'he fort stood on the rugged heights of this promontory, and was risoned by about 600 men, under the command of a highly experienced l intrepid British officer. It was a natural stronghold, where a hand- of resolute men could resist the attack of thousands.

n addition, the British men of-war lay at anchor in the stream, ready co-operate in a defense of the fort.

To appreciate the full significance of the event about to be described, nust be remembered that the campaign of 1779 opened under pe- iarly distressing circumstances.

'he prospect of an early peace had taken possession of the Colonies; l Congress, then in session at Philadelphia, lulled to a fatuous in- ivity, had made no preparation for a continuance of the war. The my, half fed, half clothed, and unpaid, was at the point of mutiny l desertion.

t was about this time that Washington wrote to a personal friend:

> have seen, without despondency, even for a moment, the hours which America styled her gloomy ones, but I have beheld no day since the commencement of ilities when I have thought her liberties in such imminent danger as at present.

As the spring advanced the British inaugurated a series of predatory acks upon the seaport towns of Virginia and the Eastern States. oops were landed, the torch applied, and hundreds of buildings were sumed and a large amount of property destroyed.

As an offset to these incendiary proceedings, Washington conceived plan of striking a bold blow at the enemy, which would, if success- excite the popular enthusiasm and inspirit his almost disheartened ops.

He had recently organized a corps of light infantry, consisting of picked men from the various regiments of the Army, the object being to move them with celerity from one point to another, whenever and wherever an opportunity for a decisive blow might present. In selecting a commander for this corps, he had pitched upon General Wayne, "Mad Anthony," as he was more commonly called.

The summons from General Washington found Wayne at Philadelphia, whither he had gone from his near-by farm to purchase family stores. Instead of returning home, he dispatched a letter to his wife, and set out at once for headquarters on the Hudson. Arrived there, the plan for the capture of Stony Point was entered upon. It was during this conference, whilst talking of the perilous nature of the proposed undertaking, that Wayne is recorded to have said to Washington, "General, if *you* will only plan it, I will storm *hell!*"

Shortly after this personal interview, in a letter headed "New Windsor, July 10, 1779," Washington mapped out the plan of the assault.

The attack was to be made by the corps of light infantry only, under cover of night, and with the utmost secrecy to the enemy's lines, securing every person they found to prevent discovery. The main body was to be preceded by a vanguard of prudent and determined men, who were to remove obstructions, secure the sentries, and drive in the guard. They were to advance with fixed bayonets and muskets *unloaded*. A white feather or cockade, or some other visible badge of distinction, was to be worn to distinguish friends from foes in the darkness. Desertion was to be carefully guarded against. The midnight hour was recommended as the best time for the attack.

Upon the receipt of this letter, General Wayne dispatched a reply, inclosing what he called the "Order of Battle." The disposition of the various detachments, the route of march, and the particular mode of attack were carefully and distinctly set forth. The penalty for cowardice was promulgated in the following forcible words:

> Should there be any Soldier so lost to every feeling of Honor, as to attempt to Retreat one Single foot or Sculk in the face of danger, the officer next to him is Immediately to put him to death!—that he may no longer disgrace the Name of a Soldier or the Corps or State he belongs to!

All arrangements having been perfected, General Wayne set out at noon on the 15th of July, with three regiments, commanded, respectively, by Colonels Butler, Febiger, and Meigs; also a detachment of Massachusetts light troops under Major Hull, two companies of North Carolina light troops under Major Murfree, and a small party of artillerists.

Stony Point was but 14 miles distant, but so difficult was the march over high mountains, through deep morasses and rugged defiles, obliging single file the greater part of the distance, that it was 8 o'clock in the evening before the corps halted at "Springsteel's," about a mile and a half from the fort.

The column for attack was now formed. At the head of the right column was posted one hundred and fifty picked men led by Lieutenant-Colonel Fleury, while these in turn were led by a forlorn hope of twenty men under Lieutenant Knox, of the Ninth Pennsylvania Regiment. The left column was headed by a similar advance guard of a hundred picked men under Major Stewart, and a similar forlorn hope of twenty men under Lieutenant Gibbons, of the Sixth Pennsylvania Regiment.

At half past 11 o'clock (night) the march was resumed with a death-like stillness. Upon nearing the fort it was found that the marsh already referred to was covered with about 2 feet of water; and whilst

General Wayne, at the head of his troops, was in the act of wading it, he was discovered by the enemy and fired upon by a sergeant's picket. The garrison was, of course, aroused, and immediately a heavy and continued fire of musketry and artillery was opened upon the assailants.

Not a man fired a shot in return, but with fixed bayonets they scrambled onward and upward over the rocks. The outer line of abattis was turned, and the inner one also passed, when the head of the column was within the enemy's lines.

General Wayne, with "spear in hand," was directing the movements, when a musket-ball struck him on the forehead, and, glancing, grazed the skull for nearly two inches. Stunned by the blow, he fell to the ground, but quickly recovering himself, he arose and shouted: "Forward! my brave fellows, forward!"

Inspired by the words and example of their brave commander, the troops dashed forward for the fort. Lieutenant-Colonel Fleury led the charge, followed closely by Colonel Febiger's regiment. Fleury was the first to reach the rampart, and as he sprung upon it he shouted in broken English the watch-word: "The fort's our own!"

Lieutenant Knox, the leader of the right forlorn hope, was close in the rear of Fleury; and Sergeant Baker, of the Virginia line, bearing four bleeding wounds; Sergeant Spencer, of the same line, with two wounds, and Sergeant Donlop, of the Pennsylvania line, also with two wounds, followed him in quick succession.

The garrison was overpowered in a hand-to-hand conflict and quickly surrendered. The guns of the fort were turned upon the British vessels in the river as they weighed anchor and dropped down the stream.

In this brilliant exploit the casualties, owing to the closeness and brevity of the conflict, were principally in wounded. Twenty-five British officers and over 500 men were made prisoners of war. The ordnance and stores captured and other spoils taken were appraised at $180,655.82, and were paid for by the Federal Congress and distributed among the captors.

It is difficult for us, at this day, to fully appreciate the general exultation which the capture of Stony Point excited. The news spread in every direction, fired the popular heart, and awakened Congress from the lethargy into which it had fallen.

Washington was the first to issue a general order, in which he requested "General Wayne and his whole corp to accept his warmest thanks for the good conduct and signal bravery manifested upon the occasion."

Joseph Reed, president of Pennsylvania, wrote Wayne under date of July 20, 1779:

> It is not the surprise of a Post or the Capture of 500 men that pleases me so much as the Manner and Address with which it has been executed. You have played their own Game upon them and eclipsed the Glory of the British Bayonets, of which we have heard so much.

On the 26th of July, Congress resolved unanimously that it entertained a—

> proper sense of the good conduct of the officers and soldiers under the command of Brigadier-General Wayne, in the assault of the enemy's works at Stony Point, and highly commend the coolness, discipline, and firm intrepidity exhibited on that occasion.

And it was further unanimously resolved:

> That a medal emblematical of this action be struck; that one of gold be presented to Brigadier-General Wayne, and a silver one to Lieutenant-Colonel Fleury and Major Stewart, respectively.

John Jay, the President of Congress, in his letter to General Wayne, transmitting the resolutions of Congress, wrote:

> Your late glorious Achievements have merited and now receive the Approbation and Thanks of your Country. * * * This brilliant action adds fresh Lustre to our Arms and will teach the Enemy to respect our Power. * * * You have nobly reaped Laurels in the Cause of your Country and in Fields of Danger and Death.

It will be remembered that the assault was made by the Corps of Light Infantry, and that this corps consisted of picked men from the various regiments of the Army. The participants in the conflict, therefore, came from nearly every one of the thirteen original States; but the honors of the victory fell principally upon the officers and troops from North Carolina, Virginia, Pennsylvania, New York, New Jersey, and Massachusetts. Connecticut in particular came in for a good share of the glory of the day on account of the gallantry of her sons led by the brave Col. Isaac Sherman.

The joint resolution referred to your committee proposes the erection of a suitable monument, column, or structure to commemorate the event we have described, and perpetuate the memory of the gallant men who participated in it.

Your committee is of opinion that the action proposed is a patriotic and laudable one, and in the line of precedents established by Congress.

The first precedent will be found in 1776, when £300 were voted for a monument to General Montgomery.

The following year similar appropriations were made in honor of General Warren, General Wooster, General Herkimer, and General Nash. In 1780 like action was taken in behalf of the Baron de Kalb. In 1781 Congress passed appropriations for monuments to Brigadier-General Davidson, Brigadier-General Scriven, and General Nathaniel Greene. In the same year Congress passed the resolution relating to Yorktown, which, after slumbering a century, was executed through the legislation of the Forty-Sixth Congress. Coming down to more recent years we find that Congress has appropriated for Groton Heights, $5,000 to repair the monument and $5,000 for the celebration; for Cowpens, $20,000 for a monument; for Saratoga, $30,000; for Bennington, $40,000; for Yorktown, $20,000 for celebration and $100,000 for a monument; for Washington's Headquarters at Newburg, $25,000; $20,000 for the monument at Monmouth, N. J.; $10,000 for a monument to the Baron De Kalb; and in the last Congress $40,000 additional were appropriated to be expended in providing statuary and historical tablets for the Saratoga monument.

The action of Congress on these various occasions met with universal favor. Public sentiment approved it, and so it will always be. The great American heart will never fail to respond to the claims of patriotism. The reverence it feels for the men of the Revolution and their noble deeds will strengthen as time rolls on, and the day is coming when every important event from Lexington to Yorktown will be marked with its appropriate monument; and it is right that it should be so.

Horatio Seymour has aptly said:

> No people ever held lasting power or greatness who did not reverence the virtues of their fathers, or who did not show forth this reverence by material and striking testimonials.

Your committee therefore recommend that the preamble be amended by striking out the words beginning with "in the," on the fifth line of the first page, and ending with the word "side," on the seventh line of the same page, and as thus amended that the joint resolution do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2567.

NORTHERN PACIFIC RAILROAD COMPANY.

MAY 24, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. BLISS, from the Committee on Pacific Railroads, submitted the following

REPORT:

[To accompany H. Res. 175.]

The Committee on Pacific Railroads have had under consideration House resolution introduced by Mr. Voorhees, directing the Secretary of the Interior to demand from the Northern Pacific Railroad Company a statement of fact in connection with certain alleged violations of law by said company, and recommend that the original House resolution be laid on the table, and that the accompanying joint resolution be adopted as a substitute for the same, with the recommendation that it do pass.

O

CONGRESS, } HOUSE OF REPRESENTATIVES. { REPORT
Session. } { No. 2568.

POLYGAMY.

IAY 24, 1836.—Referred to the House Calendar and ordered to be printed.

UCKER, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany H. Res. 176.]

'ommittee on the Judiciary to whom have been referred House reso-ons 16, 50, 140, *and* 143, *for the amendment of the Constitution of United States, beg leave to report:*

› amendment of the fundamental law of the United States should ›e undertaken unless the evil for which a remedy is thereby sought be so great and permanent, and shall so involve the essential ples upon which the Union is based, as to be incurable by ordi-legislation. For it may be safely laid down as an axiom in polit-cience that it is impossible for human wisdom to forecast all the quences of any change in the ordinary or fundamental law. Some be foreseen, but many are concealed from the knowledge of the ical reformer, and may involve unseen evils far outweighing the proposed by the change.

ıtion, therefore, in making changes, especially in a constitution, l always be observed, and when prudence dictates them, they l be guarded in such manner as at once to secure the remedy de-and provide against the evils which always result from hasty, , and inconsiderate action.

›se canons for political conduct are especially valuable in making ;es, which may affect the delicately adjusted balance between the 's delegated by the Constitution to the United States and those 'ed by it to the States and the people. Your committee are deeply ssed by the belief that in the maintenance of that balance hith-ınd hereafter, with earnest and careful fidelity, the peace, order, y, and progress of the people of all the States will be best secured. r, duty, and interest should stand in our system of governments ›olubly related. Where the interest to be promoted or guarded is f a general nature, pervading all parts of our common Union, the : is vested in and the duty is devolved upon the government of nion to protect and advance it. Where the interest is local and ıed to a State, the power to control, promote, and guard it, with ıty to exercise its power for those objects, must be left with each . In this admirable distribution of power and duty all interests 'ights will be safe, because the power is vested in, and the duty ›ed respectively upon, those to whom the interests and rights per-vhich are the subjects of the power and the objects of the duty.

This theory, under the providential proximity of many separate colonies, seeking in union strength for common defense and the capacity for general welfare, and in separate autonomy the security of local interests, home rights, and personal freedom, became and remains the law of organic life for the American Union. In accordance with it we have formed this wonderful Constitution, and have lived under it with success and glory for a century.

It is in the highest degree important to preserve this political mechanism in all its essential integrity, with the most scrupulous fidelity. And when any change is proposed we must look with vigilant circumspection to its results upon the operations of the system, lest it may disturb the balances and the equilibrium of our Constitution. No materia advantage can compensate the people for the loss or impairment of any essential principle in our constitutional system of government.

The proposed amendments referred to the committee relate to the regulation of the subjects of marriage and divorce, and to the extirpation of polygamy within the Union.

It may fairly be asked, why should the Union or the General Government take charge of and control the domestic relation of marriage or its suspension or dissolution by divorce? And why should not each State and Territory have exclusive power over these subjects? And why, again, should not polygamy be allowed in each locality, if the locality wishes it?

These are fair inquiries, and strike at the root of these propositions to amend the Constitution, and your committee will proceed to discuss them.

The case of a State stands on entirely different grounds from the case of the District of Columbia and of the Territories.

The tenth amendment to the Constitution is in these words:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

From this it results that the powers of the States are reserved to them, except so far as the Constitution has delegated powers to the United States, or prohibited powers to the States.

In regard to the District of Columbia, however, Congress has power "to exercise exclusive legislation in all cases whatsoever." (Const. U. S., art. 1, sec. 8, cl. 17.)

In regard to the Territories, the power of governing the people in them is held to be in Congress, from the fact that Congress has power "to make all needful rules and regulations respecting the Territory or other property belonging to the United States" (Const. U. S., art. 4, sec. 3, cl. 3), "to admit new States into the Union" (*Id.*, cl. 2), and "to make all laws which shall be necessary and proper for carrying into execution * * * all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." (Const. U. S., art. 1, sec. 8, cl. 18.)

The "territory belonging to the United States" is held by them for two purposes: as real property to be disposed of, and as a domain for colonization by the people of the several States. Law is necessary and proper to fix the boundaries of territory for each new State, within which people may settle and form that bond of sympathy and co-operative unity which makes the body-politic. Congress must subject to the supreme law of the Constitution, legislate for the embryo community, until, full-formed, it shall be prepared to become one of the sisterhood of commonwealths which make up the Union.

These views are sustained by many cases: American Insurance Co. *v.* Canter, 1 Peters, 511; U. S. *v.* Gratiot, 14 *id.*, 526; Cross *v.* Hamson, 16 How., 164; Dred Scott *v.* Sandford, 19 How., 393; Beall *v.* New Mexico, 16 Wall., 535; Ferris *v.* Hughes, 20 Wall., 375; National Bank *v.* County of Yankton, 101 U. S. Rep., 129.

The right of the people inhabiting a Territory to mold its polity, to frame its laws, and to construct its government, has never been sanctioned by the Supreme Court, and is not based on sound reason (Dred Scott *v.* Sandford, *supra*). The Territorial government has no original powers, but only derivative authority under the act of Congress organizing it. To hold otherwise would divest Congress of its constitutional authority to make rules and regulations for it, to determine its bounds, and would give to a few settlers the right to decide for the people of the United States, who are the joint owners of the whole domain, the destiny of the new States to be associated in union with them.

The regulation of the marriage relation in each State, the process by which it may be formed, the rights and duties arising from it, and the method of its dissolution, never having been delegated to the United States, are reserved to the States respectively; but as to the District of Columbia and the Territories these powers are in express terms delegated to the United States.

All crimes, and what shall constitute crimes in the Territories, are within the power of Congress to define and punish; and the laws derivatively passed by the Territorial legislature are subject to be annulled by the supreme power of Congress (National Bank *v.* County of Yankton, 101 U. S. Rep., *supra*). The power of Congress is not absolute; it is limited, but exclusive; and is delegated by and is subject to the Constitution.

The duties of Congress, incident to its powers, are to fit the community in the Territory in its formative process to become a State, and then to admit it into the Union.

In the contemplation of these high duties, your committee have carefully inquired into the condition of the Territory of Utah. In that community there has appeared a religion, and the practice under it of polygamy, which have long called for judicious action on the part of Congress. A clearer understanding of this condition of things may be had from a historic review of this singular people, and of its religion and practices.

About the year 1827 a certain Joseph Smith claimed to have discovered, under Divine direction, certain plates upon which were inscriptions, near the town of Palmyra, in the State of New York. He asserted his power to interpret them, and disseminated them as the Book of Mormon. It was a new and supplemental revelation to the Bible. The new creed gathered about it many followers. They passed into Ohio, then to Missouri, and then to Illinois, where they built the city of Nauvoo and a temple for their worship.

Like all new creeds, it encountered strong opposition, which ripened into popular tumult, and the final result was the death of its first leader by violence in Nauvoo in the year 1844.

The antagonism between the followers of the dead apostle and the surrounding population brought on an exodus of, it is said, 20,000 people of the Mormon faith from Illinois across the uninhabited regions west of the Mississippi River. They bore the perils and privations of the exodus with that heroic fortitude and enthusiasm which religious faith, subjected to what it deems persecution, always inspires.

[illegible] the foundations of their [illegible] the Rocky range and [illegible]

[illegible] the dogma of po- [illegible] he was, by Divine [illegible] church. Up to the [illegible] exceptional in- [illegible] people. It was not [illegible] a dogma of a creed. [illegible] March, 1848, and [illegible] Mormons became [illegible] subject to their au- [illegible]

[illegible] undertook to form the [illegible] bill of rights, and organize [illegible] of the United States [illegible] of the territory, hereafter [illegible] into the Union." This was done [illegible]

[illegible] passed, the President ap- [illegible] fixed its boundaries, [illegible] government. (9 U. S. Stat. L., [illegible]

[illegible] of the State of Deseret, [illegible] Congress, passed an ordi- [illegible] Christ of Latter-Day Saints;" [illegible] unlimited power to acquire real [illegible] authority to make rules for the [illegible] and the punishment of its members. This [illegible] in full force, except such as [illegible] September 9, 1850, until superseded. [illegible]

[illegible] are here given, as found in the [illegible] pages 93 to 105:

[illegible] body or church as a religious society [illegible] trustee in trust" and not to exceed [illegible] may, sell, manage, use, and control the real [illegible] which said property shall be free from tax- [illegible] trustees may receive property, real or per- [illegible] in any manner not incompatible with the prin- [illegible] inasmuch as the same shall be used, [illegible] improvement, erection of houses for public [illegible] and the welfare of said church.

[illegible] said church holds the constitutional [illegible] civil and religious communities, "to worship [illegible] to reverence communion agreeable to [illegible] marriage compatible with the revelations of [illegible] and full enjoyment of all blessings and privileges em- [illegible] free to all, it is also declared that said church [illegible] and exercise exclusively, the power and authority, and in and of [illegible] make, pass, and establish rules, regulations, ordinances, laws, cus- toms, and ordinances for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment or forgiveness of all offenses relat- ing to fellowship, according to church covenants; that the pursuit of bliss and the [illegible] ment of life, in every capacity of public association and domestic happiness, [illegible] al expansion, or spiritual increase upon the earth, may not legally be ques- [illegible] provided, however, that each and every act, or practice so established, or [illegible] law or custom, shall relate to solemnities, sacraments, ceremonies, conse-

* Acts of Utah, 1855, with other acts published in 1855, p. 44.

rations, endowments, tithings, marriages, fellowship, or the religious duties of man o his Maker; inasmuch as the doctrines, principles, practices, or performances support virtue and increase morality, and are not inconsistent with or repugnant to the Constitution of the United States or of this State, and are founded in the revelations f the Lord.

Brigham Young was made the first governor of Utah—a man of energy, courage, and ability. Under his administration the legislature of Utah passed many special acts vesting large and valuable rights to water, timber, and land in the Territory in Brigham Young and other leading men of the Mormon Church, and valuable real estate in the church itself. These will be found in the Acts of the general assembly of Utah, 1855, pages 72, 73–227; also for herd grounds, acts of Utah for 1855–'56, pages 20–33. One of these is a grant of Cache Valley for a herd ground to Brigham Young, trustee in trust for the Church of Jesus Christ of Latter-Day Saints (p. 22).

On January 12, 1856, the general assembly of Utah amended, confirmed, and legalized the "Ordinance incorporating the Perpetual Emigration Fund Company," passed by the government of the State of Deseret September 14, 1850, which was five days after the organic act for the government of Utah by Congress. The connection of this corporation with the corporate Church of Jesus Christ of the Latter-Day Saints will appear from the following provisions:

It appears to be under the control of the church. The first section provides—

That a general conference of the Church of Jesus Christ of the Latter-Day Saints, or a special conference of said church, to be called at such time and place as the first presidency of said church shall appoint, is hereby authorized to elect, by a majority, company of not less than thirteen men, one of whom shall be designated as their president, and the others as assistants.

The third section provides that the corporation shall have power—

To purchase, receive, and hold, either by donation or deposit or otherwise, money and every kind of property, real and personal; to emit bills of credit and exchange; to sell, lease, convey, or dispose of property, real and personal; and, finally, to do and perform any and all such acts as shall be necessary and proper for the interest, protection convenience, or benefit of said company.

The first section provides that all its funds of every kind "shall be devoted, under the direction and supervision of the first presidency of said church, to promote, facilitate, and accomplish the emigration of the poor."

The dependence of this company on the power of the church is shown by section 11, as follows:

The members of this company shall hold their offices at the pleasure of the conferences hereinbefore mentioned, but the first presidency of said church shall have power to fill all vacancies that may occur by death, removal, or otherwise; and that all persons so appointed shall qualify and serve as hereinbefore directed, and hold their offices until superseded by an election.

Section 14 reserves large real estate to the company in these words:

The islands in Great Salt Lake, known as Stanbury's Island and Antelope Island, are hereby reserved and appropriated for the use and benefit of said company, and said islands shall be under the exclusive control of President Brigham Young.

He was thus governor of the Territory, head of the church, and director of this emigration company.

It is proper here to state that while many of these laws were confirmed, many were annulled afterwards by acts of the general assembly of Utah after Young ceased to be governor. The following references will show this.

[illegible] p. 26), a repeal of a number [illegible] granting [illegible] to Brigham Young for Caché [illegible]

[illegible] 1861–62, p. 14), all laws therein [illegible] are repealed.

[illegible] are the acts incorporating the church and [illegible] Emigration Fund Company (pp. 16–28). [illegible] granting water and timber privileges to private [illegible] and acts for the incorporation of towns and cities [illegible]

[illegible] the Mormon power asserted itself against the [illegible] under the command of General Albert Sidney [illegible] This conflict was adjusted without the effusion [illegible]

[illegible] was dismissed by Governor Cumming in the year [illegible] and the order of the Territory was secured.

[illegible] Congress passed an important act (12 Stat. L., 501) [illegible] of the church for the acquisition of property was [illegible] and making unlawful and punishing the crimes of [illegible] which had been largely fastened upon the society [illegible]

[illegible] time, after a few years of the operation of the act of [illegible] known as the Edmunds act (22 Stat. L., 31), there have been [illegible] prosecutions under its provisions, and several decisions of the Supreme Court of the United States upon its construction, to which the committee beg leave to refer: Murphy v. Ramsay, 114 U. S. Rep., 15; [illegible] See also Reynolds v. U. S., 98 *id.*, 145.

From statements made before the committee upon data which are approximately reliable it seems that out of a total population in Utah of about [illegible] there are about 150,000 adherents of the Mormon faith and [illegible] anti-Mormons. Of the 150,000 Mormons there are about [illegible] involved in the practice of polygamy, including men and women. Estimating three wives on the average to each man in this number, there would be not more than [illegible] men who are polygamists in practice. Of the residue of the 150,000 Mormons in faith there would thus remain about [illegible] who believe in but do not practice polygamy.

But a further distinction is to be made. Of the 12,000 in the practice of polygamy many established that relation prior to the act of Congress of 1862, which for the first time made polygamy a crime and affixed a punishment to it. As that act was passed twenty-four years ago, it is probable that the greater part of those who contracted polygamous relations prior to its passage are advanced in life, and must in the course of a short period pass away in the order of nature.

Those who have contracted polygamous relations since the act of 1862 have done so in the teeth of that act, and are justly liable to its penalty.

In other Territories, and in one or more of the States proximate to Utah, the Mormon faith and practice prevail to some extent.

After this summary statement of the condition of the Mormon question from which a diagnosis of the disease may be made, the important inquiry confronts us, What is the remedy?

Your committee, deeply deplore, with all good citizens, the existence of the evil, and feel it to be of the first consequence that while the remedy for the disease should be radical it should be in entire consistency with the constitutional principles of our system of government, and should commend itself to the judgment of the country and mankind,

as in harmony with the sacred rights of conscience, the cardinal doctrines of our free institutions, and be tempered by a spirit of clemency, moderation, and magnanimous charity.

The evils of the Mormon system are deeper than can be cured by ordinary legislation. To punish the offender may be accomplished by law, but to extirpate the system, to eradicate it from this Union of free and civilized Commonwealths, will require a change in the Constitution of the United States.

This will readily appear from a few obvious considerations. The American Union is a Government of the people of the States by the representatives of the States and of the people of the States. To govern permanently the outlying populations of our Territories by a Congress, in which they have no voice, is contrary to the genius of our Constitution. The Government of our colonies must be temporary, and in aid of their maturity as States, to become partners in the Government and glory of our Union. This is the power vested in, and this the duty devolved on, Congress. A government of them as provinces has in it the germ of imperialism and ultimate despotism. The strain on the Constitution is too great for this policy to be permanent.

But what is the alternative? It is to admit a polygamous State into the Union, or one from which polygamy was excluded as a Territory, but may be restored by the new State after admission; to band polygamy with monogamy; to link in one indissoluble bond States whose type of civilized life is based on a polygamous family with those whose type is the dualized unit of humanity, the one man and one woman, the twain making one flesh, to nurture offspring for the duties of life in the peace and harmony of Christian marriage. Such a union between the Asiatic type and European-American type of civilized life would be incompatible and fatal to our peace and progress.

Polygamy must be exorcised by the compact of our Union. It must be excluded from our family of States. This sisterhood of commonwealths must not permit the intrusion of a polygamous member.

Two difficulties at once present themselves: (1) Would not such a provision in the Constitution be a departure from the genius of our Union, which leaves the control of domestic relations to each State and denies it to the central Government? (2) Can this be done without violating the sacred rights of religious freedom?

In answering both questions in the negative your committee desire to to state their reasons.

As to the first question, your committee see every reason for the proposed amendment. Who shall associate in Union, who shall be members of the political family, what character of commonwealths shall be admitted into the partnership, are essential questions, and proper only for the decision of the parties to the Union. Who else should decide it but the parties themselves? Not Congress, nor any delegated authority, but the members with whom the association is proposed. This does not touch the autonomy of any State after it is in the Union; but it defines the character, which is a prerequisite to admission into Union at all. Shall Congress admit a polygamous member to the Union? The answer should be in the Constitution itself, by which Congress is bound, and which it must obey.

Nor is such a provision out of harmony with the existing Constitution.

If asked, can any State select what form of government for itself it may prefer? Can it become an aristocracy or a monarchy in form? The Constitution answers: No State shall "grant any title of nobility."

The question whether the punishment of polygamy prohibits the free exercise of religion, or whether an amendment to the Constitution forbidding it would do so, has been mooted, and any doubt respecting it should be dispelled.

It is a question whether the Mormon creed commands or merely permits polygamy. The best opinion expressed before the committee by Mormons was that it was not commanded, but was allowed by God. And this would seem most probable, and reasonable especially in a Territory where males exceed females in number; for in this state of things obedience by all would be impossible, and by any a breach of the conscientious belief of those who would thereby be denied marriage altogether.

If, then, God permits, but does not enjoin, polygamy upon all the men of the Mormon Church, there can be no invasion of conscience in restraining a man from doing what his religion does not require, or in requiring him to do what God does not forbid. Divine permission cannot oblige a man to disobey human law, and human law cannot constrain conscience when it forbids what God's law merely permits.

Unless, therefore, the Mormon Church commands the man to disobey the civil law by plural marriage, when God does not command it, there can be no constraint on his conscience; but if it does this, then the church is the foe to civil society, by making its members violators of human law and dangerous citizens of the State. It makes Divine permission justify the willful violation of law by a man in doing what it forbids and in failing to do what it commands. This position is fatal to the claim on this ground.

But suppose polygamy is commanded by this religion. Then if, because it commands, it must be obeyed and respected by all, and by the civil government itself, the result would be that no law against polygamy could be valid, because contrary to this revelation of the Divine will. But who declares this supreme authority for this creed? If, despite the Constitution and the laws, this ascendency is awarded to this religious dogma, then this religion is established in supreme authority, and nullifies laws because contrary to its creed. This claim, if allowed, would establish the Mormon religion as a theocracy over men and government.

But it will be answered, "We don't claim so much; we only claim that the law against polygamy being contrary to our conscience must be held invalid as to us." But this pretension is untenable. For if the polygamist can claim the privilege of having plural wives because of his religion, and the monogamist cannot because he has no such religion, or if the former claims impunity for his crime because of his conscience, which is refused to the latter, then privilege to do the act, and immunity from punishment for so doing, will be accorded to one man, which is denied to another, and as a reward for the religion of the one, and as a penalty for that of the other.

In other words, if the fact that the Mormon belief in polygamy, as commanded of God, could prevent the Government from punishing the Mormons for it, while it punished anti-Mormons, it would be preferring that religion to all others, by shielding its adherents from a penalty inflicted without mercy on all who would not profess its creed; or if to prevent this preference, the law was annulled entirely and as to all, it would create the supremacy of this one system of religion over the civil authority of the Government, and take from the Government all power to mold its polity except in conformity with the Mormon creed. Polygamy could not be made a crime by the Government because for.

bidden by the Mormon religion! What better example of an established religion could be given than this would be? A union of church and state, in which the church would be supreme and the state subordinate.

On this course of reasoning, it has long been the settled opinion of the best defenders of religious conscience that when religious faith commits crime, its sincerity cannot shield it from the penalty of the civil law. As long as it is a question of faith between the man and his God, the civil law cannot interfere, but when faith breaks out into acts against the laws of society, it cannot give impunity to the criminal. If this were not so, guilt would be quick to put on the cloak of religion to screen itself from justice. Nor would it avail to say we might try the sincerity of a faith which worked out such crime; for to inquire into sincerity of belief is to invade the sanctity of conscience. The result would be, the civil law, which should conform private action to public policy, would stand in silent submission before the defiant declaration of religious belief, and crime would claim impunity upon the profession of its faith.

The practice of the countries where religious freedom prevails has always been in accordance with these views. The civil government must define and punish crime, and when religious people defy the law in the assertion of a law higher than that of the State, they must be punished. Let them believe what they please, but they must do as the law enjoins. Any other theory of religious freedom would, as has been shown, either establish the particular religion, claiming the right, as supreme over the Government itself, which is the equivalent of a church establishment, or, by giving impunity to its adherents for crimes, for which the non-adherents are punished, create an inequality between diverse forms of religion which is the characteristic of the privileges of ecclesiastical establishment.

But there is one other view which must not be omitted.

Society is formed under Divine ordination for the protection of its members from the wrongs of others. If polygamy was only a self-inflicted crime, under the impulse of religious enthusiasm, it might, with some plausibility, claim exemption from the penalty of the law. But it is an offense against the order and best interest of society; a wrong done to each of its female victims whose consent, under surrounding influences, neither justifies the man nor even exonerates the woman. It is a wrong done to the unborn issue of these marriages, whose unhappy birth, without their consent, is clouded by a partial bastardy, and whose bitter dissent is fruitless and unavailing. Society cannot permit religious belief, sacred within the precincts of conscience, to break through them, to inflict wrongs on the living and the unborn, whose title to the protection of the law is their vested inheritance before birth, and which demands the denunciation of the crime and the punishment of the criminal.

Your committee feel satisfied that nothing proposed by them to the House will, in the slightest degree, trench upon the sacred canons of religious liberty. The committee thought it proper to present the foregoing views in vindication of the propositions herewith reported, from the doubts of some, and the adverse criticisms of others, upon their consistency with the fundamental principles of religious freedom as they have been sanctioned for a century in the constitutions and legislation of the American States.

These difficulties being removed, the question recurs, what form should the amendment, proposed as a remedy for the disease of polygamy, assume?

To make it a complete and effective remedy will require several es-
ential provisions.

(1) The offense of polygamy should be defined by the article itself.
ike treason, it should be a crime against the United States, defined
y the Constitution and not left to an act of Congress. This is best, in
rder that as one of the basic conditions of union between the States
should be settled by their own act as parties to the Constitution,
nd to avoid any tendency on the part of Congress to press the inter-
rence with the powers of the States further than is needed to com-
ass the remedy.

In the definition it is proposed to regard polygamy as a *status* of
arriage, and not a mere civil contract between parties; as a criminal
ct in its inception and in its continued existence. This is the present
octrine on the subject. Marriage is not a contract; it is a status be-
veen parties as the result of their contract. But lest evasion should
revail against this statement, the relation is defined as "by contract
r in fact," the latter words describing the status as existing by that
olding out to the world and by that mutual recognition of the relation
f husband and wife which constitutes marriage.

Polygamy and a polygamous association or cohabitation between the
exes are thus made unlawful, and it is declared that they shall not exist
n any place in the United States or in a State. These terms will em-
race and cover every form in which polygamy in substance, or any re-
ation which is in its character polygamous, can manifest itself.

The second section makes it the duty of the United States and of
very State not to make or enforce any law allowing these offenses,
nd to pass laws to prohibit them within their respective jurisdictions.

(2) Thus defined and prohibited, another provision is needed to make
he remedy for it effective. A State once admitted into the Union and
o longer under the jurisdiction of the United States as a Territory
hereof might decline to enforce or ineffectually enforce this article.
he State authorities might wink at its practical violation.

Your committee felt this to be a delicate point and one of difficulty.
ut the original Constitution, in its wisdom, suggested the mode of
eeting it.

The judicial power of the United States now "extends to all cases in
aw or equity arising under the Constitution" (C. U. S., art. 3, sec. 2).
he real need in this case is to give to the courts of the United States
urisdiction in prosecutions of the offenses created by this article. This
akes the article effective through the judicial power of the Union,
gainst which the crimes are committed. And when the question is
s to the punishment, the analogy of the present Constitution suggests
hat as the Constitution defines treason (Congress having no power to
xtend or contract the definition), so this article shall define these
rimes; and as Congress has "power to declare the punishment of
reason" (C. U. S., art. 3, sec. 3, cl. 2), so in this case "Congress shall
ave power by law to declare the punishment" of these offenses.

It seems to the committee that these provisions secure to the Union
nd to the courts and Congress of the Union complete authority to ex-
rpate the system of polygamy and its kindred offense of "polygamous
ssociation or cohabitation between the sexes." The crimes are fixed
y constitutional definition—the punishment is prescribed by Congress,
nd the judicial power of the United States will enforce the Constitu-
on against all offenders.

(3) A real difficulty remains in preventing these important Federal
owers from being used, by any construction, to interfere with the re-

served powers of each State to regulate the domestic relations of monogamous marriage and the modes and causes for its dissolution. On this question there is a proper jealousy in favor of the right of each State, by its own regulations, based on its traditional policy, to legislate in regard to marriage and divorce.

To meet this difficulty by at once leaving in full force the power of the General Government to remedy the evil in question, and by saving in explicit terms the exclusive powers of the States in this regard, with a negation of all power in the Government of the United States to interfere in this matter in any State, the fourth section of the article is framed.

Your committee recommend the passage of the article by the House, in lieu of all those referred, and that they do lie on the table.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2569.

MARY B. HOOK.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRUBLE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2095.]

The Committee on Pensions, to whom was referred the bill (S. 2095) granting an increase of pension to Mary B. Hook, after a careful reading of Senate Report 722 upon the same, and a comparison of the statements of that report with the evidence in the case, do adopt said Senate Report No. 722 as the report of your committee, and recommend that the bill under consideration do pass.

[Senate Report No. 722, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2095) granting a pension to Mary B. Hook, have examined the same, and report:

The claimant, Mary B. Hook, is the widow of James H. Hook, late a lieutenant-colonel in the United States Army. She is now drawing a pension at the rate of $30 per month. Her husband entered the service in the war of 1812 and remained therein until his death. The claimant now asks that her pension be increased to $50 per month. The facts relied upon to support this claim are well stated in the petition of the applicant and record of the military services of the soldier. The member of your committee to whom the case was referred has verified the truth of the allegations of fact, and, on the whole, although the rank of the soldier was that of lieutenant-colonel, considering that his services began near the commencement of the century and continued over sixty years, that much of it was of a very honorable and distinguished character, and that his aged widow is absolutely helpless, the bill is reported back with the recommendation that it do pass.

1138 CONNECTICUT AVENUE, *April* 9, 1886.

This is to certify that, owing to chronic pulmonary disease, accompanied with hemorrhage, Mrs. Mary B. Hook is thoroughly incapacitated for any and all work pertaining to her support.

J. R. BROMWELL, M. D.
S. C. BUSEY, M. D.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Mary B. Hook, widow of Lieut. Col. James H. Hook, assistant commissary-general of subsistence, United States Army, respectfully represents:

That by an act of your honorable body, approved July 16, 1876, it was provided as follows, to wit:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limita-

thereof the pension roll the name of Mary B. Hook, widow of Lieut. Col. James H. Hook late of the United States Army, from and after the passage of this act."

Your petitioner since 1878 has received a pension at the rate of $30 per month only.

Owing to the advanced age and delicate health of petitioner, and the fact that she has no other means of support, this pension is becoming less and less adequate to her comfort and decent support. She is therefore advised to apply to the generosity of Congress for an increase of her pension to at least $50 per month, and she is encouraged in so doing by the liberality of your honorable body in other similar cases.

To meet the needs of her declining years, and to leave, if possible, something for her funeral expenses, petitioner therefore prays that an act may be passed allowing her a pension at the rate of $50 per month.

And as in duty bound, &c.,

MARY B. HOOK.

Colonel Hook's military record respectfully submitted:

He was appointed from Maryland, his native State, as an ensign in the Army in the year 1812.

Was promoted September 1 of the same year to be second lieutenant in the Fifth Regiment of Infantry.

During the war with Great Britain he was a part of the time at Fort George, and at or near Lewiston, on the Niagara, in 1813.

He was commissioned captain in the Thirty-eighth Regiment of Infantry May 20, 1813, and served on the seaboard of Maryland and Virginia, where his regiment was stationed.

He commanded a company in defense of Fort McHenry when attacked by the British in 1814.

On the organization of the peace establishment he was assigned to the Fourth Regiment of Infantry commanded by Colonel King.

The Fourth Regiment, under Lieutenant-Colonel Clinch, was ordered to the frontier of Georgia, and thence to Florida. Captain Hook was placed in command of Fort Hawkins, the frontier post of Georgia.

Subsequently to this period he was detailed on Bureau duty, at Washington, as assistant commissary-general of subsistence. It is not to much to say that he brought to his staff position the same earnestness, fidelity, and intelligence, the same warm sympathy for all the troops in the field and their requirements, that had characterized his conduct while actually serving there in person.

Reference is respectfully made to the papers heretofore filed in reference to the services of Lieutenant-Colonel Hook to the Army and the Government, and the esteem in which he was held by those best competent to judge.

Colonel Hook served in the Army during his whole life, was universally known to be devotedly attached to his profession, and his testimonials from officers of high rank show his great efficiency in every branch of the Army in which he served.

He was truly the soldier's friend, and never failed to advocate their cause on every proper occasion, and when he found them in distress liberally contributed pecuniary aid to their relief; and in this connection she asks leave to transcribe the beautiful and truthful dedication to him by Washington Irving in his work entitled "The Adventures of Captain Bonneville, United States Army, in the Rocky Mountains and the far West," to wit:

> "To James Harvey Hook, major United States Army, whose jealousy of its honor, whose anxiety for its interests, and whose sensibility for its weals, have endeared him to the service as the soldier's friend; and whose general amenity, constant cheerfulness, disinterested hospitality, and unwearied benevolence entitle him to the still loftier title of the friend of man, this work is inscribed."

Respectfully submitted.

MARY B. HOOK.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2570.

SARAH P. McKEAN.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRUBLE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 973.]

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, have examined the same, and report:

This bill, reported by the Senate Committee on Pensions, with recommendation that it do pass, provides for increasing the pension of Mrs. Sarah P. McKean from $30 to $50 per month.

She is the widow of General Thomas J. McKean, who was a graduate of West Point, was promoted to brevet second lieutenant in the Fourth Infantry July 1, 1831, where he served until his resignation March 31, 1834.

Subsequently he served as a private soldier in the war with Mexico; was appointed paymaster United States Volunteers June 1, 1861, and brigadier-general of volunteers November 21, 1871, in which capacity he served through the war of the rebellion, leaving the service a physical wreck and dying in 1870 from the effects of his service.

The present pension ($30) of Mrs. McKean is the rate for the rank of lieutenant-colonel, being the highest grade allowed under the general pension laws. The petitioner is now over sixty years of age and wholly dependent (for her support) upon her pension, which is inadequate to afford her a comfortable living.

In view of the long and distinguished services of petitioner's husband, her own needs, and the numerous precedents established by Congress in cases of this kind, your committee report the bill favorably and recommend that it do pass.

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49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2571.

ELIZABETH S. DE KRAFFT.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRUBLE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2223.]

The Committee on Pensions, to whom was referred the bill S. 2223, having had the same under consideration, report as follows:

As a review of the eminent and faithful service of the petitioner's husband, we quote from a letter recently written by Admiral Porter, and which is sustained by the records:

OFFICE OF THE ADMIRAL, 1710 H STREET, N. W.,
Washington, D. C., April 15, 1886.

The late Rear-Admiral J. C. P. De Krafft had a varied service, having seen as much sea duty as any of the officers of his grade, and a great deal more than some others, his duty, while in the Navy, having (on sea and ashore) been almost continuous.

He bears a record of having been a most excellent officer, always gave satisfaction to his commanding officers, and never had any official difficulties so far as known. The record of his services is as follows:

He entered the Navy from Illinois, October 9, 1841, and was ordered to the frigate Congress, of the Meditterranean squadron, in which he served till 1843. In 1844 he was sent to the frigate Raritan, on the Brazil station, where he remained till 1846, being then ordered to the home squadron. He served throughout the Mexican war, being present at the first attack upon Alvarado. He was sent to the ship-of-the-line Ohio, on the Pacific station, in 1847, and afterwards was sent to the Naval School, being promoted to past midshipman August 10, 1847.

After passing his examination he served on board the frigate Raritan on the Home Station, and in 1851 was ordered to the Coast Survey. He was next ordered to the steamer Vixen, in which he served till 1852, on the Home Station, returning to the Coast Survey in 1853. He was attached to the United States steamship Michiganon, the lakes, in 1855, and was promoted to master in that year. On September 14, 1855, he received his commission as a lieutenant, and served in the sloop John Adams, in the Pacific Squadron, from 1856 to 1858, returning to the Michigan in 1859. In 1861 he was on board the Niagara, employed in special service. In that year he participated in the attack on Fort McCrea, in the harbor of Pensacola. He was constantly employed during the war, especially in the West Gulf Blockading Squadron. In 1862-'63 he was on duty at the Washington navy-yard, and commanded the steamer Conemaugh from 1864 to 1866, participating in the attack on Fort Powell, Mobile Bay, when he commanded a division of five gunboats on August 5, 1864.

He was made a commander July 25, 1866; was on special duty in Philadelphia in 1867, 1868, and 1869; was fleet captain of the North Atlantic Squadron. In 1870 he was again employed on special duty at Philadelphia, from which point he was ordered to duty at the navy-yard at Portsmouth, N. H., where he remained till 1872. He was commissioned as captain, November 20, 1872, and was ordered to the command of the Richmond, flag-ship of the Pacific Station, and as fleet captain of that station.

From this station he was transferred to similar duties in the Asiatic fleet, where he remained till 1875. His next service was at the Washington navy-yard, as captain of the yard, from 1877 to 1880.

On the 12th of July, 1880, he was ordered to duty as hydrographer of the Navy Department, and on October 1, 1881, was promoted to be a commodore.

On August 22, 1883, he was made president of the naval board of inspection and survey, on which he served under my command till the day of his death, having been in the mean time made a rear-admiral. He performed all his duties in the most intelligent and satisfactory manner.

Very respectfully,

DAVID D. PORTER,
Admiral, U. S. Navy.

The widow, Elizabeth S. De Krafft, was granted a pension of $30 per month.

In view of the long, varied, and distinguished service of petitioner's husband, extending from October 19, 1841, to his death, October 29, 1885, a period of forty-four years, and in view of the needs of the widow, and the precedents heretofore established by Congress, your committee think that petitioner's pension should be increased from $30 to $50, as is provided for in this bill.

We therefore recommend that said bill do pass.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2572.

RACHEL BARNES.

MAY 24, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRUBLE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 9106.]

The Committee on Pensions, to whom was referred the bill (H. R. 7690) granting a pension to Rachel Barnes, widow of William Barnes, having had the same under consideration, report as follows:

William Barnes, husband of petitioner, enlisted in Company I, Second United States Infantry, February 24, 1838, and was honorably discharged February 24, 1841. During the winter of 1840–'41, while engaged in an extended scouting expedition in South Florida, and sleeping upon the ground, with no tents to cover himself and companions, he contracted a disability of the eyes which resulted in partial blindness. This disability has followed him ever since, incapacitating him for earning a livelihood, and refusing to yield to medical treatment. For this disability the soldier was treated at the time of its incurrence by the hospital steward, there being no physician with the party. Not having been treated upon his return to camp, and the steward who treated him being dead, the soldier is unable to produce any testimony of his treatment during service.

The soundness of his eyes before and at date of enlistment, and their unsoundness upon his return home after discharge, is abundantly shown by the evidence. Medical examinations had since the service aforesaid, and while the soldier's application for pension was pending, reveal the existence of the alleged disability in a pensionable degree; but the medical examiner states he was unable, from the symptoms, to decide whether or not said disability originated in the service. Your committee do not regard it strange that said examiner should not, nearly forty years after the incurrence, be able to say that the disease was incurred in service and line of duty, and, upon the evidence, it was not necessary that he should so find, for that fact is satisfactorily established by other evidence.

The soldier filed an application for a pension July 3, 1880, alleging disease of eyes contracted in Florida in 1840–'41. The claim was rejected January 14, 1881, on the ground that there was no record of the alleged disability, and claimant could not furnish satisfactory evidence of its origin in the service and line of duty.

At date of the rejection there was no record evidence of incurrence, nor of officers or comrades, although there were—besides the evidence of the soldier, his wife, and two sisters—two affidavits of civilians who

saw him during the service and know his eyes were affected while he was in the service in Florida.

After rejection of the claim the soldier, as a result of correspondence with the Pension Department, learned that Lieutenant Patrick who, at one time during the Florida campaign, commanded the company in which the soldier served, was then living, and, as General M. R. Patrick, was governor of the Soldiers' Home at Dayton, Ohio. Correspondence between the soldier and General Patrick followed, and in the early part of the year 1882 the soldier went to Dayton and had a personal interview with the general, at which time, by aid of his journal and the statements of the soldier, General Patrick was enabled to recall incidents of the service, and, by means thereof, his memory was so much aided that he not only was able to identify the soldier, but remember facts which enabled him some weeks after to write the Commissioner of Pensions very fully respecting the claim then pending, and to state facts satisfactorily establishing, with other evidence on file, that the soldier incurred disease of eyes in the service, as alleged by him.

The Hon. W. E. Fuller, now member of the House from Iowa, was for years personally acquainted with William Barnes, and gives valuable oral evidence to your committee of his excellent character as a man and citizen.

Mr. Fuller, who was his attorney, represents that he was aware of the visit of Mr. Barnes to Dayton, Ohio, to see his old commander; that he remembers his return, and the evident satisfaction entertained by him because of the assurances of General Patrick that he would in a few days write the Commissioner of Pensions, giving the facts relating to the soldier's impairment of sight when in the service; that as a few weeks passed and no word was received from General Patrick, the soldier, who had become dependent and despondent, came to the conclusion, as he expressed it, "that the old general had gone back on him," and soon after met Mr. Fuller and told him he need do no more for him in regard to the pension case, and the next morning after the conversation, March 24, 1882, the old man was found in the adjacent woods hanging lifeless to a tree. He had undoubtedly become burdened by a weight of anxiety and despondency, and in despair, if not insanity, took his own life. How gravely he was in error in supposing his old commander had, to use his own language, "gone back on him," the following statements will disclose:

On January 7, 1882, in answer to a letter from the Commissioner of Pensions relating to the claim of Mr. Barnes, among other things, said:

> I have been unable to complete the search in my journals and memoranda of those days. After a diligent search I can only find two allusions to him: one of the 18th of March, 1840, in which he behaved remarkably well in a skirmish with the Seminoles; and again, on the 29th of July following, I find him employed as a kind of rough carpenter in hewing timber for building purposes.

This letter was written prior to the visit of Mr. Barnes to General Patrick. On February 16, 1882, General Patrick wrote Commissioner Dudley as follows:

> On or about the 7th of January, 1882, in reply to inquiries made in relation to one William Barnes, formerly of I Company, Second Regiment of Infantry, I wrote you giving some facts which I found in my journal. I had written him at about the same time, very nearly a duplicate of what I wrote you. At his own expense he has come here to see me, bringing with him letters of the very best character. His presence here and a re-examination of my journal enables me to speak of him more in detail than before; and, at the risk of being somewhat prolix, I will state that in the summer of 1839 he, with his company, under command of Captain Russell, went into

Florida and down the coast in the neighborhood of Key Biscayne and the mouth of the Miami River, where the captain was soon after killed, and the company left in command of a young lieutenant recently appointed from civil life.

When I reached there, in December following, I found that the company was for quite a time without shelter, sleeping in the open air, suffering much from mosquitos and the climate generally. A number of cases of moon-blindness existed when I took the company, some of the men being unable to perform night duty on that account.

I do not recollect anything in particular of this man Barnes, save that on several occasions I took him with me as a very trusty man. He had been a corporal almost from his enlistment, but, being without any education, felt himself incapable of discharging the duties and so resigned.

On the 1st day of March following I find him one of the picked men who were sent out and were attacked by Indians, in which he behaved remarkably well, as he was reported to have done once before I took the company. Between that time and the 1st of July following I occasionally took him with me on hunting expeditions, I carrying a rifle and he a fowling-piece, because, as he stated, he could not see to shoot at any distance, as he could when he first came into Florida.

On examining my journal in his presence he has recalled to my recollection certain incidents, such as my signaling him to join me when he has been at some distance from me, and his being unable to see me until being told by those with him that I was signaling.

On one occasion in particular he was for a time very much troubled at a reprimand I gave him for not shooting at an object which I pointed out, until he again reminded me that he could see but a short distance. I find from a reference to my journal that on the 24th of July I placed him in charge of certain rough carpenter work in building a post, and in connection with the fall of a bent in a large building the question of his defective eyesight again came up.

From my knowledge of the man up to the time of his discharge in February, 1841, I feel very confident, amounting to almost certainty, that his disability commenced in the summer of 1839, while serving in the neighborhood of Key Biscayne, involving a large amount of boat service among the keys, bays, Miami River, open-water everglades, and water service generally (the sun shining upon the water with great brilliancy), sleeping in open air at night during that summer, and that it became intensified by continuous service through the summer of 1840 in the sands of the Touhlacooche and Ochlawaha districts, when troops, in that country, were usually at rest. On this subject I speak from an experience of five years' continuous service in Florida.

In 1837, and again in 1842, I was myself laid up with brain-fever from these same causes.

I have asked Colonel Thomas (treasurer of the Home), recognized as among the ablest of our medical men, to be present during my examination of the man and himself to examine him professionally with a view to giving his opinion in the case. Through other sources than the letter I have received, I hear the very best character possible given him as to perfect truthfulness and honesty, and these accord with the record in my journal of the trusts with which he was honored when with me. I do not know whether this statement can be of any use in forwarding his claim, but so far as it goes I can swear to it.

Very respectfully,

M. R. PATRICK,
Governor.

Mr. Barnes' decease occurred prior to action by the Pension Department upon the letters of General Patrick, and, in fact, no ruling was made upon the case thereafter.

On March 20, 1883, the widow of Mr. Barnes filed an application for pension, alleging as ground therefor the death of her husband from insanity, resulting from disease of head and eyes. Her application was rejected April 27, 1883, for the reason that the soldier's death from insanity, forty-one years after service, had no connection with the service. Your committee feel constrained to concur in the correctness of the finding as to the widow's claim, but they are of the opinion that had not the soldier deceased, and had his claim been again considered upon all the evidence on file at the time of his death, he would have received favorable judgment and his claim would doubtless have been allowed, and the unhappy termination of his life at the time would not have occurred. His widow is now seventy-two years of age and in dependent

circumstances, and while your committee do not feel justified under the law as at present existing in recommending that the name of the widow be placed upon the pension-roll for the purpose of a pension in her own right as widow of the deceased soldier and by reason of the soldier's death, they do think that she should be allowed such pension as, had her husband's claim been favorably determined on the day of his decease, he would have received, and therefore report H. R. 7690 adversely and recommend the passage of the accompanying substitute.

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2573.

BRIDGE ACROSS STATEN ISLAND SOUND.

MAY 25, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CRISP, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill S. 121.]

The Committee on Commerce, to whom was referred the bill (S. 121) to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road, have had the same under consideration, and report as follows:

The bill contains all the restrictions necessary for the protection of the navigation of the Arthur Kill, is recommended by the War Department, and we think should be passed. We therefore report the bill back with a favorable recommendation.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2574.

PURCHASE OF ARMS FOR THE USE OF THE STATES.

MAY 25, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. CUTCHEON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1686.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States, submit the following report:

The States and accounts to be affected by this bill are set forth in the accompanying reports of the Chief of Ordnance and letter of the Secretary of War, and the recommendations of the War Department thereon.

This act will give the following credits to the States named, to wit:

Alabama	$21,196 91
Florida	7,314 99
North Carolina	23,622 25

In regard to the State of South Carolina, this committee is of the opinion that the ordinance account of that State was fully adjusted up to that date by the act of February 25, 1885, and that the credit to which she would have been entitled was fully offset and canceled by the adjustment then made.

If that be not correct, and the view taken by the Chief of Ordnance in his letter of May 12, 1885, be the correct construction of the act of February 25, 1885, it would leave a credit to South Carolina of $18,049.53.

But the bill as proposed to be amended does not render a decision of that point necessary by this committee, but remits it to the accounting and law officers of the Government.

The committee recommend striking out all after the word "repealed," in line 14, and that the bill as so amended do pass.

Report of the Secretary of War on House bill 1686.

WAR DEPARTMENT,
Washington City, February 8, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, inclosing House bill 1686, Forty-ninth Congress, first session, "to repeal certain provisions of the act of March 3, 1875, relating to the purchase of arms for the use of the States," and requesting my views thereon, together with any information which will enable your committee to decide upon the propriety of the passage of said bill.

In reply, I beg to inclose herewith a report of the Chief of Ordnance, whose views upon the subject, as therein expressed, are concurred in.

Very respectfully, your obedient servant,

WM. C. ENDICOTT.
Secretary of War.

Hon. E. S. BRAGG,
Chairman Committee on Military Affairs, House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 6, 1886.

The honorable the Secretary of War:

SIR: I have the honor to return letter of the 1st instant from the Hon. E. S. Bragg, chairman House Committee on Military Affairs to the Secretary of War, inclosing House bill 1864, and report:

In my annual report of 1875, I stated:

"It is recommended that the attention of Congress be invited to the following:

"A bill to authorize and direct the Secretary of War to distribute arms and military equipments under the acts of April 23, 1808, and the acts amendatory thereof.

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That the Secretary of War be, and is hereby, authorized and directed to distribute to such states as did not, from the year eighteen hundred and sixty-two to the year eighteen hundred and sixty-nine, receive the same, their proper quota of arms and military equipments for each year from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the act of Congress approved eighteen hundred and eight, and the several acts amendatory thereof: *Provided*, That in the organization and equipment of military companies and organizations with said arms, no discrimination shall be made between said companies and organizations on account of race, color, or former condition of servitude.

"Approved March 3, 1873."

"Under the provisions of this act all the States that had been in rebellion were credited on the books of this office with their respective quotas during the period mentioned, and arms and other ordnance stores were issued to several of them on their application and charged accordingly. At the last session, however, Congress passed the following:

"[Extract from an act making appropriation, &c., for the support of the Army for the fiscal year ending June 30, 1874, and for other purposes, approved March 3, 1875.]

"*And provided further*, That so much of the appropriations between the first of January, 1861, and the ninth of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion, shall be covered into the Treasury of the United States."

"The effect of this last act is to annul the provisions of the act above quoted, approved March 3, 1873, and in consequense to do injustice to some of the States interested by an unequal distribution of stores. So much of the appropriations referred to as was still to the credit of any of these States has been 'covered into the Treasury of the United States;' but it is suggested whether, in consideration of the two laws above quoted, and the interest of the militia of the States, Congress should not be asked for further legislation thereon."

And in my report of 1877:

"The following is an extract from 'An act making appropriations, &c., for the support of the army for the fiscal year ending June 30, 1876, and for other purposes,' approved March 3, 1875:

"'*And provided further*, That so much of the appropriations between the first of January, 1861, and the ninth of April, 1865, under the act of April 23, 1808, herein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion, shall be covered into the Treasury of the United States.'

"The effect of this proviso was to render null and void an act approved March 3, 1873, under which all the States that had been in rebellion were credited on the books of this office with their respective quotas during the period mentioned, and arms and equipments were issued to such as made application, and charged against them accordingly.

"The annulling of its provisions by the above-quoted proviso does injustice to some of the States interested by an unequal distribution of its benefits, and it is recommended that further legislation thereon be asked of Congress.

"*States which drew all their credits before the passage of the repealing proviso of* 1875.

Arkansas	$15,595 63
Georgia	31,252 67
Louisiana	22,299 38
[illegible]sippi	31,116 58
[illegible]see	11,094 89
[illegible]	24,408 82
[illegible]a	48,404 79

"*States which failed to draw their credits under the act of* 1873, *and which credits were covered into the Treasury under the proviso of the act of* 1875.

Alabama	$21,196 91
Florida	7,314 99
North Carolina	23,622 25
South Carolina	18,049 53"

In conformity with the act above recited of March 3, 1875, the quotas of the States which had not been drawn were withheld, charges being made against them as follows:

Alabama	$21,196 91
Florida	7,314 99
North Carolina	23,622 25
South Carolina	18,049 53

While these States were prevented from drawing against these amounts, it is found that these amounts were not turned into the "*surplus fund*" by the Treasury Department; and consequently the simple repeal of the law will be sufficient to restore to these States the credits lost by said act.

I therefore recommend that all after the word "repealed," in line 14, be stricken out, and the bill thus amended be passed.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 22, 1886.

DEAR GENERAL: Referring to our conversation in regard to the credit to be given to South Carolina under the appropriation for arming and equipping the militia, I inclose copy of letter, showing that the bill which passed Congress last year for the relief of that State was to reduce the overcharge made in 1869 on one transaction, and crediting her quotas for "ten years past" in full satisfaction.

This shows that the bill now in your hands for crediting South Carolina with certain quotas refers to a time during the war, and antedates the quotas for "the ten years last past." I therefore think that South Carolina stands on the same footing as Florida and the other States.

Respectfully and truly yours,

S. V. BENÉT,
Brigadier General, Chief of Ordnance.

General B. M. CUTCHEON,
House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., May 12, 1885.

The SECRETARY OF WAR:

SIR: I have the honor to invite attention to the following act of Congress, approved February 25, 1885, viz:

"AN ACT authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to adjust the account for arms between the State of South Carolina and the Government of the United States, and balance the same by so reducing the overcharge made against said State in anno Domini eighteen hundred and sixty-nine, under the act approved the twenty-third of April, anno Domini eighteen hundred and eight, and the several acts amendatory thereof, as that the amounts paid on said account by said State for the ten years last past be taken in full satisfaction of the same.

"Approved February 25th, 1885."

Chief Clerk

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2575.

OFFICIAL LETTER-BOOKS OF THE EXECUTIVE DEPARTMENT OF STATE OF NORTH CAROLINA.

MAY 25, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. Res. 19.]

The Committee on Military Affairs, to whom was referred Senate Resolution 19, *directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State, submit the following report:*

The committee submitted this joint resolution to the Secretary of War for his views upon the propriety of passing the same, and have been advised by him that there is no objection thereto.

The committee are of the opinion, not only that there is no objection thereto, but that it is eminently proper to do, to the end that the State of North Carolina may be enabled to perfect its history. They therefore recommend that the resolution do pass.

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2576.

USE OF THE SITE OF FORT GREENE AS A PUBLIC PARK.

MAY 25, 1886.—Referred to the House Calendar and ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1154.]

The Committee on Military Affairs, to whom was referred the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park submit the following report:

The committee have carefully considered the bill, and from the letters submitted to the Senate committee from the Secretary of War, and which are embodied in Senate Report 109, are fully satisfied that the Government has no present use for the site of Fort Greene, but that it is advisable for the Government to retain control of the same, and that any use which may be made of it should be subject to the control of the Secretary of War, with the right to take immediate possession whenever, in his judgment, it should be desirable for use. With such retsrictions there seems to be no objection to granting to the city of Newport the use of such site for a public park, and we recommend that the bill be amended as follows:

(1) Strike out the words "during the pleasure of Congress" in the body of the bill.

(2) Add at the end of the bill as follows: "*Provided*, That such use of said property shall cease and be terminated whenever the Secretary of War shall elect and give notice of such election to the public authorities of said city; and, upon such termination, the United States may enter and reoccupy the same as upon a lease terminated; but no right or claim to damages by reason of such termination and reoccupation, nor for any other cause growing out of any improvement made or other thing done by the said city under the rights conferred by this act, shall accrue to said city or to any person against the United States or any agent or officer thereof."

O

49TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2577.

ADMISSION OF DAKOTA AS A STATE.

MAY 25, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SPRINGER, from the Committee on the Territories, submitted the following

REPORT:

[To accompany bill H. R. 8120.]

The Committee on the Territories, to whom was referred the bill (H. R. 8120) to enable the people of Dakota to form a constitution and State government, and to be admitted into the Union on equal footing with the original States, having had the same under consideration, submit the following report:

The bill provides an enabling act under which the people of the Territory of Dakota may form a State constitution and be admitted into the Union upon an equal footing with the original States.

The second section of the bill prescribes the qualifications of electors who are to participate in the election of delegates to a constitutional convention and to vote upon the question of ratifying any constitution that may be submitted to them by such convention. A board is designated to divide the Territory into fifty-one districts, as equal in population as possible, each district to be formed of contiguous and compact territory. Three delegates to the constitutional convention are to be elected in each district, and in voting for such delegates each elector may cast all his votes for one candidate or distribute them among the several candidates, as he may desire to do. This provision, recognizing the rights of the minority, is copied *verbatim* from the constitution of the State of Illinois. In that State the members of the house of representatives of the State legislature are elected in this manner. In view of the fact that one political party has a large preponderance of the votes in the Territory, your committee deem it expedient to permit the minority of the people to be represented in the convention to form a constitution for the State. This provision recognizes the right of the minority of the people to participate in the formation of the fundamental law, and also recognizes the right of the majority to control.

The election for delegates will take place on the Tuesday next after the first Monday in November, 1886. The constitutional convention will assemble on the second Tuesday in December thereafter, and the constitution will be submitted to a vote of the people at such time as the constitutional convention may fix; but at least thirty days shall be given from the time of the adjournment of the convention until the day of the election. At the time the delegates to the constitutional convention are elected the people may vote on the question of locating the capital, and the place having the highest number of votes at such election shall be the temporary seat of government. The constitutional convention shall provide by ordinance that the three towns or places

having the highest number of votes at this November election shall be again submitted to the votes of the people, and the town or place having the highest number of votes at such election shall be declared the capital of the State of Dakota until relocated according to law.

The sixth section of the bill requires that the constitution to be established shall be republican in form, and make no distinction in civil or political rights on account of race or color, that there shall be perfect toleration of religious sentiment in the State, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; but also requires the constitutional convention to incorporate a provision in the State constitution relinquishing all right or title to the unappropriated public lands therein, and to all lands within the limits of any Indian reservation, and that the Indian lands shall remain under the absolute jurisdiction and control of the United States until such Indian titles are extinguished.

In case said State is admitted into the Union, it is provided that two Representatives in Congress shall be elected in the State until an apportionment is hereafter made under the next general census of the United States.

Sections 10 to 18 inclusive contain the usual provisions reserving sections numbered 16 and 36 in every township for common school purposes; granting certain lands for the purpose of erecting public buildings; for agricultural college, &c.

A provision is made for transferring the functions of the Territorial government to the State government. An appropriation of $20,000, or so much thereof as may be necessary, is made for defraying the expenses of the constitutional convention. It is also provided that the constitutional convention, when the constitution is submitted to a vote of the people, may provide for the election of a full State government, including the members of the State legislature, and Representatives in Congress; but that said officers and said State government shall remain in abeyance until the constitution framed by said convention shall have been approved by Congress. In case the constitution is ratified by the people, the legislature may assemble for the purpose of organizing and electing two United States Senators, but for no other purpose.

The twenty-third section of the bill provides that the constitutional convention shall incorporate a provision in the constitution abolishing all counties theretofore established by the Territory which contain less than 3,000 inhabitants, and to consolidate the same into new counties, and fix the county-seats, until they are changed by law; and to also provide for the payment of the debts that may have been contracted by said counties. This provision is intended to correct an abuse of power exercised by the authorities in that Territory. Over forty counties have been established in the Territory, which have less than 1,000 inhabitants, according to the Territorial census of 1885. The expense of erecting public buildings and maintaining a county government in some of these counties is out of all proportion to the number of persons required to bear it. It is an evil that should be corrected at once.

The constitution to be formed by the convention, as provided in this bill, if ratified by the people, is to be transmitted to the Congress of the United States. And when such constitution is approved by Congress, and the State of Dakota is admitted into the Union by special act thereof, the Senators and Representatives shall be admitted to seats in Congress and to all the rights and privileges of other Senators and Representatives, and the State government formed in pursuance of said

constitution shall proceed to exercise all the functions conferred in the State constitution.

Your committee has considered Senate bill No. 967, which provides for the admission of the southern half of Dakota into the Union as a separate State, and for the organization of a Territorial government in the northern half. Reference is made to the adverse report of your committee on that bill, in order to show that the Territory when admitted into the Union as a State should be admitted as a whole, and not divided into two or more States. The bill now reported provides an enabling act by which the Territory can be admitted into the Union as one State. The question as to whether the Territory should be admitted as a whole or subdivided into two or more States or Territories is not remitted by this bill to the people of that Territory, that being a question, in the opinion of your committee, in which the people of all the country are equally interested. As demonstrated in your committee's report on the Senate bill, that Territory has neither the area, the population, nor the legal right to be admitted into the Union other than as one State.

The population of Dakota was ascertained by a special census in the Territory in the year 1885. According to that census there were 414,000 people in the Territory at that time. If there is good reason for the admission of one-half of the Territory into the Union as a State, there is more reason for the admission of the whole. There have been heretofore many potent reasons for dividing Dakota into two or more States or Territories. These reasons were the fact that the railroads which penetrated the Territory ran east and west, on parallel lines. The large area in the center of the Territory was at that time uninhabited, and the communication between the northern and southern part of the Territory was only overland, through vast prairies, or by rail through the State of Minnesota; but at this time the condition has changed. The central counties of the Territory are now among the most populous, and railroads running north and south will, in a very short time, have been completed, making the communication from the northern to the southern part of the State as easy as from the eastern to the western part. If Dakota should be admitted into the Union as one State, it will be but a few years until State pride, local interests, and its diversified resources will be such as to demonstrate beyond all peradventure the wisdom of single Statehood. The demand for division will not be insisted upon when all questions of the present and future are carefully considered.

In a large and populous State the expense per capita of preserving and carrying on the local and State governments will be much less. Taxes will be proportionately less, and lands proportionately higher and prosperity greater. The State government will be strong enough to enforce its own laws and have sufficient representation in the popular branch of Congress to demand and receive proper consideration for its local interests.

In view of these facts and considerations, your committee are of the opinion that no greater wrong could be done to the inhabitants of that Territory than to provide for its division.

The accompanying bill contains the usual provisions of enabling acts, which will authorize the people of that Territory to form a constitution and be admitted into the Union in the line of the best precedents heretofore established.

Your committee therefore report the bill back with the recommendation that it pass.

All of which is respectfully submitted.

VIEWS OF THE MINORITY.

The undersigned, minority of the Committee on the Territories, to whom was referred bill H. R. 8120, entitled "A bill to enable the people of Dakota to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States," respectfully dissent from the report of the majority, by which the passage of said bill is recommended, and desire to submit the following observations in relation thereto:

The bill contemplates the admission of the whole Territory as one State, and denies to the people thereof any voice as to whether they desire to be so admitted or prefer a division.

The majority state as their deliberate judgment that, *because* one political party has a *large* preponderance of votes in the Territory, it is *therefore* expedient that the minority be represented in the convention to form a State constitution. They say:

> *In view of the fact* that one political party has a large preponderance of votes in the Territory, your committee deem it *expediently* to *permit* the minority of the people to be represented in the convention to form a constitution for the State.

And add, speaking of the second section of the pending bill:

> It recognizes the right of the minority of the people to participate in the formation of the fundamental law, and *also recognizes the right of the majority to control.*

And still they propose to deny the right to the whole people—to every citizen thereof—to express any preference for a division of the Territory. Though it may appear that the people of Dakota, irrespective of party, solidly desire division of the Territory, they are not to be allowed expression of such wish. The majority ignore the facts that for many years Congress has been petitioned by the Territorial legislative assembly to divide the Territory upon or near the forty-sixth parallel of north latitude, and, since the census of 1880, to pass an enabling act for the south portion. That, by practically unanimous votes, the Territorial legislative assembly, in the session of 1882–'83, decided in favor of division, and of a constitutional convention for South Dakota.

That in the winter preceding 1881–'82, an enabling act for South Dakota was favorably reported by the Committee on the Territories of both houses of Congress. That shortly after the failure of the Territorial legislation of 1882–'83 by reason of the refusal of the executive to approve the same, a committee was formed to call a preliminary convention to consider the advisability of calling and holding a constitutional convention, as contemplated by the bill which had been withheld and defeated as aforesaid by the executive. That such preliminary convention was called and held at the city of Huron in June 1883, and was composed of over three hundred delegates, representative men of both political parties, duly selected by the people of the respective counties, remaining in session several days, and *unanimously* united in calling a constitutional convention to be held at Sioux Falls in September of the same year, to consist of 150 delegates to be elected by ballot under the forms provided by law for ordinary elections.

Congress having failed to act, an executive appointed from abroad, and not in accord with the people, having defeated the legal measure passed by their representatives in the legislative assembly, nothing was left for action but the procedure originating with and carried forward by the people concerned, acting in their primary capacity.

Such election was held, delegates were regularly elected, consisting of Democrats and Republicans. They assembled at the place and time named, remained in session sixteen days, framed a constitution, which was submitted to the electors at the November, 1883, election, and by them ratified, and, through a committee provided by the convention, the constitution was, at the session of 1883–'84, submitted to Congress, and admission thereunder asked for South Dakota. Bills were submitted to both houses of Congress for this purpose, but, as is generally understood, because the convention was held and the elections were conducted without being clothed with the authority of a law of the Territory, the friends of Dakota therein preferred the passage of an enabling act, with which conclusion Dakota was content, and the result of this effort was the passage of an enabling act through the Senate, not acted upon in the House.

At the next succeeding session of the Territorial legislative assembly, in February, 1885, with the same unanimity which has characterized all legislative assemblies, and all gatherings of the representatives of the people, whether for the whole of the Territory or for that portion more immediately concerned, upon this subject, another act was passed calling a constitutional convention for South Dakota, and the then executive, being in full accord with the manifest wish of the people, approved the same. That act is found in session laws of Dakota, 1885, page 51. An election for delegates was held thereunder, who duly assembled at the time and place appointed therein, September 8, 1885, at Sioux Falls, remaining in session eighteen days, framed and submitted to a vote of the people the constitution now presented, which was ratified at the regular November election by a vote of 25,158 for, to 6,527 against.

Such, in brief, is the history of the efforts of the people of that portion of Dakota south of the forty-sixth parallel of north latitude, aided by their brethren in the north portion as occasion offered, to form a constitution and State government, and gain admission into the Union of States.

More than four years of persistent effort, conducted in all the ways open to them, ought to convince the most skeptical of the earnest desire of Dakota's citizens to be clothed with the power of self-government.

All these facts seem to be ignored by the majority in their report, and the people of Dakota are told that "The question as to whether the Territory should be admitted as a whole or subdivided into two or more States or Territories is not remitted by this bill to them, but is a question in which the people of all the country are interested equally, and that they have "neither the area, the population, nor the legal right to be admitted into the Union other than as one State."

The undersigned submit that the right of the people of a Territory or of a proper division thereof to form a constitution and State government, republican in form, and to be admitted into the Union, is so self-evident that it will not be questioned by any enlightened citizen of any State, providing the requisite conditions for admission, heretofore recognized, have been complied with and exist. The majority of your Committee on the Territories have recently reported adversely the Senate bill No. 967, which provides for the admission of the State of Dakota, embracing under its present organization an area of 77,000 square miles

and a population of 263,553, according to the census taken in June, 1885, and for the creation and organization of the remaining portion of the Territory into a new Territory to be called "Lincoln," embracing 73,000 square miles of territory and a population of over 150,000 people.

The undersigned have respectfully submitted their views in dissenting to the adverse report of said Senate bill, and they desire to refer to their minority report accompanying the said Senate bill and invite attention to and careful consideration of the same, confident that all will be convinced that the Territory of Dakota does possess the area and the population to constitute, even now, two strong and prosperous States, and that the present State of Dakota is legally entitled to immediate admission, under her present constitution and State government. We think the desire for admission has been repeatedly and authoritatively expressed, and is now emphasized by a larger vote than is usually polled in a new State upon the adoption of a constitution. Compare the votes of some of the States:

Dakota, 25,226 for; 6,565 against. Iowa, first constitution, 7,235 for; 7,656 against. Iowa constitution of 1846, 9,492 for; 9,036 against; Kansas, Topeka constitution, 1,731 for; 46 against. Lecompton constitution, 6,226 for; 589 against. Mineola and Leavenworth 4,346 for; 1,257 against. Wyandotte constitution, under which the State was admitted, had 10,421 for, and 5,530 votes against. Maine, 9,040 for; 796 against. Nebraska, 3,938 for; 3,838 against. Minnesota, 36,240 for; 700 against. Oregon, 7,195 for; 3,195 against. Wisconsin (the first constitution having been rejected), the second one, of 1848, received 16,442 votes for, and 6,149 against.

As to area, we invite attention to a comparison of Dakota (the new State proposed to be rejected by the majority, who are now proposing to force acceptance of boundaries which the people have never, in any manner, expressed any desire for) with other States in area.

First with its near neighbors:

	Square miles.
Dakota	77,000
Nebraska	76,000
Missouri	65,000
Iowa	55,000
Wisconsin	54,000
Kansas	81,000
Minnesota	83,000

Then with the Middle and Southern States:

	Square miles.
Dakota	77,000
Illinois	55,000
Indiana	34,000
Ohio	40,000
Michigan	56,000
Arkansas	52,000
Kentucky	38,000
Tennessee	45,000
Alabama	51,000
Louisiana	41,000
Mississippi	47,000
Georgia	58,000
Florida	59,000
South Carolina	34,000
North Carolina	51,000
Virginia	38,000
West Virginia	23,000
Maryland	11,000

Then with the more eastern States.

	Square miles.
Dakota	77,000
Pennsylvania	46,000
Delaware	2,120
New Jersey	8,320
New York	47,000
Massachusetts	7,800
Maine	35,000
New Hampshire	9,280
Connecticut	4,750
Vermont	10,212
Rhode Island	1,306
Oregon	95,000
Colorado	104,000
California	189,000
Nevada	104,000
Texas	274,000

Of course the last four are well known to be exceptional, and should form no precedent against Dakota's wishes. They are exceptions to the almost uniform policy in admitting new States from the public domain.

Prudence will suggest that the action now to be taken is for all time, and no narrow or partisan view should be taken of this question of area; for a policy which seems advantageous to a particular State or constituency to-day, may be disastrous on the morrow.

It must, in the light of experience, be conceded that the area proposed is sufficient for a substantial State and consistent with the general welfare and former precedents.

The wisdom which experience brings, the necessities which a large aggregation of population reveals, no doubt will cause Texas, in the desire for a government closer to the people than is possible with so large an area, to take advantage of her compact for admission, and we shall have five States there in lieu of one.

The existence of extensive mountain ranges, not yet desirable for the purpose of population, in California, Colorado, and Nevada, seemed to justify including large areas under one jurisdiction. Conditions may change even there.

As to the proposed division of the Territory we say further:

The policy of the Government toward the people of the Territories, when selecting areas for States, has been almost uniformly to allow the selection of reasonable limits by the people thereof and erect such into a State.

In Dakota's case, the question of what is known as the division of the Territory is involved. With more propriety, it should be termed taking from the area now under one Territorial government sufficient to form a State for admission.

Out of the territory which once constituted the great Northwest Territory, and of which Dakota formed a part, has been carved and admitted into the Union, exclusive of those formed from the Virginia cession, the States of Wisconsin, Iowa, and Minnesota, and successively, as States were admitted, the remaining portions were organized anew as Territories. It is now proposed to repeat this action, take a State from the Territorial area, admit it, and renew the Territorial organization for the remainder.

Of course the question of division is recognized by South Dakota, probably by every one, as the important question to be presented to Congress. The ungenerous thought will not be entertained by the loyal people of Dakota, unless cruel experience teaches them that Congress will deny nearly a half million of their fellow-citizens the right of self-

government, and compel a continuance in a state of semi-vassalage, if disembarrassed of other propositions. Therefore, the necessity for a careful review and consideration of the important question of division. In it is involved, not only the welfare and wishes of the proposed State, but of those who are still to remain under a Territorial government. It will be conceded by every candid man that in the formation of a State for admission out of the Territory, Congress should recognize the right of the people of the proposed State to select such area and boundaries as will constitute a substantial, strong, permanent State. Beyond that it is a question for the people of the United States. Due regard should also be paid to the wishes and the welfare of the people not incorporated into the new State.

Those who have peopled Dakota are American citizens, mostly from the States and districts represented by those honorable gentlemen to whom they are now appealing. They forfeited no right by removal to Dakota. They certainly are as competent to judge of what is for their welfare and for those who are to come after them, and of forming and expressing a deliberate judgment thereon, as are the people of the communities from whence they came, and have better opportunities of doing so. A decent regard for their expressed will ought to be entertained by those distinguished gentlemen, representatives of their former neighbors and friends, now possessing the power over their futures, with no chance for appeal but to the great heart of the nation. They are the ones directly in interest. They and their descendants are the ones to suffer by any mistake now made against their interest. Numerous precedents exist where Congress has wisely allowed the people of the projected commonwealth to select for themselves their State's area and boundaries, and always has such selection proved the patriotism and sagacity of the people.

Notably does the great and prosperous State of Iowa show the wisdom of allowing a people to determine for themselves these important questions. They would have no such boundaries as proposed by Congress, voted down the constitution built thereon, and Congress yielding to their expressed desire, they made Iowa what she is and what she ever will be, with constantly increasing grandeur, one of the most powerful States in the American Union.

The people of Dakota have said to this Congress, with all due respect, that they will never, during the present generation of men and women, accept boundaries and area so distasteful as are involved in the admission of all Dakota Territory as one State. Public sentiment is against it throughout all that Territory. Public sentiment seems to have been uniformly favorable to division, and so expressed on every occasion.

It appears that as early as 1870–'71 the Territorial legislature of Dakota passed a memorial to Congress praying for the same division now asked, and the act was approved by their governor January 12, 1871.

Again, December 31, 1872, there was passed and approved a similar memorial, with four dissenting votes in their house and none in their council.

Again, December 19, 1874, another passed unanimously in the house with one dissenting vote in the council.

Again, January 24, 1877, another passed unanimously in both house and council.

In 1879, a protest against admission of the Territory as a whole or one State was passed.

In 1883 the bill for the constitutional convention for South Dakota

was passed, to which allusion has been made in this minority report. Since 1869 the legislative sessions have been biennial.

In 1885, after all the years of agitation of the question of division, when the legislature was composed of double the number of members formerly allowed, thus necessarily reflecting the sentiment of both sections of the Territory, they passed unanimously, in addition to the act calling a constitutional convention for South Dakota, a memorial to Congress, praying for the division of the Territory and admission of the south part as a State, and the then governor (not having learned that the Territory had "neither the area, the population, nor the legal right to be admitted into the Union other than as one State," and we will do him the charity to say innocently) approved the bill on the 24th day of February, A. D. 1885, intending, no doubt, to recognize, by his act, public sentiment.

The undersigned beg pardon for referring to these facts of history, but have done so merely to illustrate the density of the ignorance of the people of Dakota when they would presume to deal with questions of statesmanship at a distance so remote from the seat of Government and wisdom!

In conclusion, the undersigned minority of the Committee on the Territories beg leave, most respectfully, to recommend that the Senate bill No. 967 be substituted for the bill H. R. 8120, and passed.

All which is respectfully submitted.

Dated Washington, May 25, 1886.

CHARLES S. BAKER.
I. S. STRUBLE.
W. C. COOPER.
BINGER HERMANN.
G. G. SYMES.